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No. _____

Supreme Court, U.S.

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IN THE

Supreme Court of the United States

OCTOBER TERM 1987

VERNON LEE BOUNDS, *et al.*,

Petitioners,

v.

ROBERT (BOBBY) SMITH, *et al.*,

Respondents.

**PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**APPENDIX
VOLUME I**

LACY H. THORNBURG

Attorney General of
North Carolina

Andrew A. Vanore, Jr.
Chief Deputy Attorney General

Sylvia Thibaut
Assistant Attorney General

N.C. Department of Justice
P.O. Box 629
Raleigh, N.C. 27602
Telephone: (919) 733-7188

ATTORNEYS FOR PETITIONERS



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APPENDIX A

UNPUBLISHED

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 79-6254

(Formerly Misc. No. 79-8056)

JOHN HARRINGTON, ALONZO WATTS, CLIFTON SPEIGHT,
WILLIAM RYDER, RONNEY MCBRIDE, RAY FORBES, ROBERT
(BOBBY) SMITH, RONALD S. CARNES, RICHARD A. CARTER,
BRADFORD MIZELL LILLEY, DONALD W. MORGAN,
FRANKLIN STRADER and JOHN H. RUSSELL, on behalf of
themselves and all others similarly situated.

Appellants,

v.

JAMES HOLSHOUSER, Governor, State of North Carolina; V.
LEE BOUNDS, Commissioner, North Carolina Department of
Corrections; DR. STANLEY BLACKLEDGE, Warden, Central
Prison; FRANKLIN MAHAN, Regional Superintendent; M. S.
LEE, Captain, Washington County, Unit 3560, Creswell,
North Carolina; R. L. TURNER, Superintendent of Odom
Correctional Institution of the North Carolina Department of
Correction,

Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Washington. John D. Larkins,
Jr., District Judge.

Submitted April 11, 1979

Decided May 14, 1979

Before HAYNSWORTH, Chief Judge, WINTER and
RUSSELL, Circuit Judges.

(Barry Nakell, University of North Carolina, Chapel Hill, counsel for the Appellants; Jacob L. Safron, Special Deputy Attorney General, counsel for Appellees.)

PER CURIAM:

In *Bounds v. Smith*, 430 U.S. 817 (1977) the Supreme Court affirmed a decision of this Court affirming a 1974 district court order that required North Carolina prison officials to implement a plan to provide prisoners with constitutionally adequate access to the courts. The plan, which had been proposed by the state officials and slightly altered by the district court, called for the establishment of a number of central and core law libraries at various prison facilities around the state. The plan also addressed such matters as the transportation and lodging to be provided prisoners needing to travel to the libraries from other facilities; the training of inmate assistants to aid their fellow prisoners; the priority to be given to inmates working under deadlines; and the providing of free copying services to indigent prisoners. The state defendants were ordered to file a certificate of compliance with the district court upon final implementation of the plan. Before us now is the issue of whether, after the case travelled to the Supreme Court and returned to the district court, it was properly dismissed upon the filing of such a certificate. We think not.

The record reveals that on June 22, 1978, the defendants sent an ex parte letter to the district court reporting on the progress made in implementing the plan. Apparently satisfied with the state's accomplishments, the district court on August 29, 1978, filed an order dismissing the action. The prisoners' court-appointed counsel, however, caught by surprise by the dismissal, promptly filed a motion to reopen the judgment pursuant to Federal Rules of Civil Procedure 59 and 60, challenging the adequacy of the plan's implementation and the failure of defendants to file a certificate of compliance. Thereafter, the state defendants filed a certificate of compliance and the district court, without addressing the claims made by the prisoner plaintiffs in their motion to reopen, issued another order dismissing the case. From this order, the

prisoners appealed.¹

The state prison officials have filed a motion for summary affirmance of the dismissal based upon two grounds. First they contend that the prisoners may not properly challenge via Rules 59 and 60 the adequacy of the plan originally adopted by the district court in 1974 and subsequently affirmed by both this Court and the Supreme Court. Second, they argue that because none of the inmates has demonstrated an actual injury resulting from the plan's implementation they lack standing to assert their claims.

We agree with the defendants' first argument to the extent the inmates were in fact attempting to relitigate the adequacy of the plan already adopted by the district court. To the extent the inmates challenged the adequacy of the plan's actual *implementation*, however, we disagree.

The inmates attacked the plan's implementation and defendants' certificate of compliance on several grounds: (1) that none of the libraries were provided with federal law digests or indices; (2) that the defendants did not provide the district court with information from which it could determine whether the placing of the libraries and the proposed transportation system could adequately serve the prisoners on a state-wide basis; (3) that the certificate of compliance did not address important facets of the plan dealing with the training and use of inmate assistants and the offering of free copying services to indigents; and (4) that the defendants adopted a regulation establishing certain restrictions on the use of the libraries by inmates in disciplinary segregation which were not included in the proposed plan and which raise questions of constitutional significance.

From our review of the record, it appears that only the first allegation, concerning the contents of the libraries, was argued and resolved in the district court when the plan was originally proposed and adopted. Accordingly, the state defendants correctly argue that the prisoners should not be

¹The district court refused permission to proceed with the appeal in forma pauperis.

permitted to reopen this issue on a Rule 59 or 60 motion. The remaining claims, however, raise questions of the adequacy of compliance with the proposed plan, and we think they merited specific consideration by the district court. The inmate plaintiffs were simply attempting to enforce a court order obtained in their favor and requiring the defendants to establish a constitutionally adequate prison law library system. If the system as implemented arguably did not comport with the court adopted plan or with constitutional standards, we think the inmates were entitled to be heard on the matter.

We make particular mention of the state Department of Corrections Regulation 5NCAC 2G referred to above in claim (4). The regulation, parts of which were made effective on June 16, 1978, was apparently first submitted to the district court by the defendants as part of their *ex parte* communication to the court indicating progress made toward implementing the plan (*see supra*). The inmates challenged the regulation in that it conditions access to libraries by prisoners having to be transported to facilities having libraries on the availability of bed space at the receiving institution. In light of the overcrowded conditions of the North Carolina prison system, the inmates contended that such a condition would result in substantial delays. The inmates also challenged provisions of the regulation (1) totally prohibiting inmates in disciplinary segregation from using the libraries for cases not having legal deadlines for the filing of papers and (2) denying library privileges to inmates found to be a threat of harm to the prison staff or library facility.

We think that the inmates properly argue that in light of our decision in *Williams v. Leeke*, 584 F.2d 1336 (1978), the challenged provisions raise constitutional issues. In *Williams* we indicated that the availability of direct access to a law library is an important consideration in determining the adequacy of a state's attempt to provide prisoners with meaningful access to the courts. While we noted that a state might be justified in not giving prisoners that are known security risks the same library privileges available to other prisoners in general, we noted that it is incumbent upon the state to justify the reasonableness of such restrictions and to provide satisfactory alternatives. Although Regulation 5

NCAC 2G contains language suggesting that some alternative in the form of inmate assistance or direct supplying of legal materials may be made available to prisoners with disciplinary problems, we do not think the state's burden of proof was thereby satisfied.² We think the defendants should be required to show with specificity the alternatives they intend to provide prisoners who will not be given the same direct access rights given to the general prison population.

Similarly, with respect to the Regulation's provision conditioning access to libraries on the availability of bed spaces, we think the defendants should be required to show that bed spaces are in fact available. It is common knowledge that many of our nation's prisons suffer from overcrowding. We cannot determine that the regulation alone amounts to an adequate implementation of the defendants' proposed plan when, on its face, the regulation allows for indeterminate and possibly very substantial delays for actual library access to a significant portion of the prison population.

In short, we think the state defendants had the burden of proving the constitutional adequacy of their implementation of the plan which they proposed and with which they were ordered to comply. Since the inmate plaintiffs originally brought the suit and obtained the injunction, we think they had standing to challenge whether defendants' compliance on its face met constitutional standards.

Accordingly, we deny the defendants' motion for summary affirmance and grant plaintiffs permission to proceed in forma pauperis. The order of dismissal is vacated and the case is remanded to the district court for proceedings consistent with this opinion.

²Indeed, the Regulation does not appear to provide any alternative to those in disciplinary segregation who have no legal deadline upon which their work must be completed.

APPENDIX B

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**John Harrington, Alonzo Watts, Clifton Speight, William
Ryder, Ronney McBride, Ray Forbes, Robert (Bobby) Smith,
Ronald D. Carnes, Richard A. Carter, Bradford Mizell Lilley,
Donald W. Morgan, Franklin Strader, and John H. Russell, on
behalf of themselves and all others similarly situated,**

Appellants

v.

**James Holshouser, Governor, State of North Carolina, V. Lee
Bounds, Commissioner, North Carolina Department of
Corrections, Dr. Stanley Blackledge, Warden, Central Prison,
Franklin Mahan, Regional Superintendent, M.S. Lee, Captain,
Washington County, Unit 3560, Creswell, North Carolina, R.L.
Turner, Superintendent of Odom Correction Institution of the
North Carolina Department of Correction, F.R. Moore,
Sergeant, Central Prison,**

Appellees.

No. 83-6271.

**United States Court of Appeals,
Fourth Circuit.**

Argued Feb. 7, 1984.

Decided Aug. 14, 1984.

On appeal, after remand, 598 F.2d 614, of decision of United States District Court for the Eastern District of North Carolina, Franklin T. Dupree, Jr., Senior District Judge, finding that the state of North Carolina's implementation of prison system law library plan was constitutionally sufficient, the Court of Appeals, Sprouse, Circuit Judge, held that: (1) implementatin of portions of the plan relating to access by inmates in disciplinary segregation and transfer of inmates from prisons without library facilities to installations

having required library were constitutionally sufficient, but (2) insufficient facts were presented for determination of constitutionality of implementation of portions of the plan relating to provision of access to copying machines free of charge to indigent inmates and relating to program to train prison paralegals to assist inmates in use of the library.

Affirmed in part, vacated in part, and remanded.

1. Prisons

Portions of North Carolina's implementation of prison system law library plan relating to access by inmates in disciplinary segregation and transportation of inmates from prisons without library facilities to installations having required library were constitutionally sufficient.

2. Constitutional Law

Insufficient facts were presented to court to determine constitutionality of portions of North Carolina's implementation of prison system law library plan relating to access to copying machines free of charge to indigent inmates and relating to program to train prison paralegals to assist inmates in use of the library.

Barry Nakell, Chapel Hill, N.C., for appellants.

Jacob L. Safron, Sp. Deputy Att. Gen., Raleigh, N.C. (Rufus L. Edmisten, Atty. Gen., Raleigh N.C., on brief), for appellees.

Before WINTER, Chief Judge, SPROUSE, Circuit Judge, and BUTZNER, Senior Circuit Judge.

SPROUSE, Circuit Judge:

The controversy involved in this appeal is now before this court for the third time. The underlying issue is whether the state of North Carolina (State) has complied with the directions of the United States Supreme Court in *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977), and of panels of this court in *Smith v. Bounds*, 538 F.2d 541 (4th Cir.1975) and *Harrington v. Holshouser*, 598 F.2d 614 (4th Cir.1979) (unpublished) (*Harrington I*). In accordance with the Supreme Court's holding in *Bounds v. Smith*,

which affirmed our decision in *Smith v. Bounds*, the State was required to implement a plan it had devised for building a series of law libraries in its prison system for use by inmates challenging either the legality or conditions of their confinement. The State had devised its plan after a federal district court found the North Carolina prisoners were being denied their constitutional right of access to the courts by the State's failure to provide adequate legal resources to its inmate population. The State's plan was accepted by the district court, modified slightly by this court, and finally approved subject to our modifications by the United States Supreme Court in *Bounds v. Smith*. Two years after the *Bounds* decision, the State submitted certificates of compliance to the district court which had originally approved the plan, requesting that it dismiss the still-pending civil rights actions of the inmates who had successfully challenged the availability of legal resources to the State's prisoners. The district court granted the request, but a panel of this court reversed in *Harrington I*. The panel in that case held that, although the plan itself was not subject to attack, the State had the burden of proving that implementation of the plan met constitutional standards. It remanded the case to the district court for a determination of whether implementation of various aspects of the plan was constitutionally sufficient.

The case lingered in that posture in the district court from the time *Harrington I* was decided on May 14, 1979, until the district court again dismissed the action on April 18, 1983, finding the State to have implemented the plan successfully. Thus, seven years after the Supreme Court decision in *Bounds v. Smith*, the same legal action remains still unresolved on this appeal despite Harrington's efforts, through a series of petitions and motions, to ensure compliance with the Supreme Court's mandate.

Reduced to their essentials, Harrington's complaints are four. He contests (1) the adequacy of the training provided to prisoner paralegals staffing the law libraries; (2) copying charges assessed against prisoners unable to pay; (3) the permissibility of limiting access to the libraries for prisoners on disciplinary segregation; and (4) the State's plan to provide access to the libraries by means of short-term transfers for prisoners detained in prison units without libraries. Harrington's challenge to the adequacy of the transfer

program rests largely on allegations of overcrowding and a resultant lack of available bed space to accommodate short-term transferees. Harrington has made extensive efforts through counsel since *Harrington I* was decided to obtain information. Although the State has been less than forthcoming in its responses, answers to several sets of interrogatories and testimony at a hearing on the subject of compliance present the following picture of the State's actions.

1. *Training of prisoner paralegals.*

By the end of 1980, the State had conducted one inmate paralegal training session, consisting of seven hours of instruction on elementary principles of criminal procedure, three-and-one-half hours of legal research technique training, and three-and-one-half hours of going over problems and answering questions. Only two of thirty-one prisoners staffing the libraries at that time had participated in that session; all others received on-the-job training. By September 1982, two legal workshops had been conducted. Of a total of thirty inmate paralegals then employed by the prison libraries, seven had participated in a workshop. In about September 1982, the State contracted with Durham Technical Institute to provide training for library staff and inmate paralegals. Under the Durham Tech agreement, the institute would hold three five-day-long workshops annually. The record on appeal, which contains no information on this subject after September 1982, does not indicate that any workshops have in fact been conducted for the State by Durham Tech, nor is there any current information on the number of inmate paralegals with workshop training as a percentage of those now staffing the prison libraries.

2. *Use of copying machines.*

The State has not provided any information about the availability or the use of copying facilities by prisoners, indigent or otherwise. It is impossible to assess, therefore, whether the State's policies in this area satisfy State obligations under the plan.

3. *Library use by segregated inmates.*

The State's regulations divide requests to use law libraries by inmates into two classes—those made by inmates with legal deadlines to meet (Category I) and without deadlines (Category II). Inmates subject to disciplinary segregation may use the libraries

available only if they have made Category I requests. Category II requests are granted to inmates only after they are released from segregation. Inmates with Category II requests can be denied library access for fifteen days at most because under applicable prison regulations, inmates are entitled to a forty-eight hour release from segregation at the end of each fifteen-day period spent in segregation. 5 N.C. Admin. Code 2B.0205. The State views delays of this length as acceptable and has provided no alternative means of access to libraries for inmates with Category II requests during their segregation.

4. Bed space for inmates seeking transfers for library use.

In answer to the plaintiff's interrogatories, the State disclosed that most prison units with either full or smaller "core" law libraries were overcrowded during the period covered by the answers, February 1978 to September 1979. At the hearing before the district court, the Chief of Educational Services of the State Department of Correction, Jerry M. Price, indicated that requirements for bed space for inmates temporarily transferred to use libraries were always met. He testified:

[A]s far as inmates who want to use the library, we always make available to them bedspace. We have bedspace reserved for those people.

Price estimated that in the year from June 1981 to June 1982 over four hundred transfers of inmates to prisons with full libraries had been made, and over two hundred transfers of inmates to prisons with core libraries. The record on appeal does not contain information more current than June 1982. Although the record indicates that not all requests for library use were honored during this time period, it does not appear that shortage of available beds was the reason for the denial of any request.

The district court dismissed the actions in this and two other similar cases in April 1983 with a simple order, stating that "the North Carolina Department of Correction has in a constitutionally sufficient manner established a prison library system which provides meaningful access to legal materials to all inmates currently incarcerated within the North Carolina prison system," and directing the Clerk to dismiss these actions and remove them from the docket of that court.

[1] Although the district court made no factual findings and did not discuss in any detail the manner in which the State has complied with the directions of the Supreme Court, we agree after a review of the testimony and other information contained in the record that the portion of the State's implementation relating to access by inmates in disciplinary segregation is constitutionally sufficient. In addition, implementation of the plan to transport inmates from prisons without library facilities to installations having the required library is also adequate. True, the State's prisons, like many through the country, are crowded, but the evidence was clear and unchallenged that by whatever means necessary overnight facilities were made available for inmates temporarily requiring them in connection with the library access program.

[2] The availability of copying machines is a different matter. In *Harrington I* we required, among other things, that the State prove that it had provided access to copying machines free of charge to indigent inmates. The State has yet to established the nature of those copying facilities in sufficient detail to allow this court to determine whether the State is in compliance with this part of our direction to it.

A more important deficiency in the State's efforts toward implementation is its apparent lack of a program to train prisoner paralegals to assist inmates in the use of the library. Again, the district court made no finding of fact concerning this important aspect of the library program, but it is clear from the evidentiary record that the State's efforts to comply with the court's directions in this regard have had very little effect. Chief of Educational Services Price testified that there were approximately thirty paralegals in the State's prison system as of September 1982. The number at each library varies, of course, depending upon the size of the library, but Price admitted that in many of the libraries none of the inmates assigned to library work had received any kind of formal training. The State, through its witnesses, admitted that it had been unable to implement the training plan its officials originally considered necessary to provide realistic access to the libraries by its inmates.

The plan approved by the Supreme Court visualized inmates assigned to work in the libraries on a regular basis and "trained to the

best extent possible" in legal research and assisting other inmates with research as an important component of the plan. A description of the State's efforts in this area since then is a chronology of failure. After several years of apparent inaction, the State conducted a single training session for paralegals in 1980; only two of thirty-one inmates staffing the library at that time had participated in that session. Two years later, only one more training session had been conducted for the State, this one by a professor of law at the University of North Carolina. After an unsuccessful attempt to find professionals at North Carolina Central University, Meredith College, and Campbell University to conduct the workshops, the State reported on October 1, 1982, that it had contracted with Durham Technical Institute to provide three five-day workshops annually. As we have observed earlier, the record before this court contains no indication that this proposed training program has even been undertaken, let alone been successful.

Harrington reviews in this appeal nearly a decade of unsuccessful efforts by the State to implement the plan fully and urges that at this juncture the only way that the State constitutionally can afford library access to its inmates is by employing the services of a legal services plan, such as the North Carolina Prisoner Legal Services, Inc., with which counsel for Harrington has been associated since its inception in 1978. We cannot agree with that thesis, which Harrington repeatedly urges, but note, as did the Supreme Court in *Bounds*, that providing the assistance of trained lawyers in conjunction with physical library facilities is one way to assure constitutionally acceptable access to libraries by inmates.

It may well be that the State has, by now, a training program enabling trained prisoner paralegals effectively to assist inmates in the use of prison libraries. It is possible that inmates who are indigent are able to make needed copies free of charge. We are unable to determine that from the present record. It is necessary, then, that we again remand this case to the district court with instructions to make appropriate findings of fact concerning the training of prisoner paralegals and the availability of copying facilities to indigent inmates.

Furthermore, the state's answers to interrogatories disclose that only 76 percent of the inmates requesting library use at Central Prison, and 64 percent of those requesting use at Polk Youth Center, were scheduled for use. Consequently, the district court should make findings concerning requests that were not scheduled and determine whether they were justifiably denied. In this connection, the state should furnish evidence to the court regarding the typical number of hours in a day and the number of days in a week or month that inmates were allowed to spend in the library.

The district court should also make inquiry about any other matter drawn to its attention by the parties or that it deems appropriate. From its findings of fact and legal conclusions, it should determine whether the state has established a prison library system in a constitutionally sufficient manner.

AFFIRMED IN PART, VACATED IN PART, AND REMANDED.

APPENDIX C

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**Robert (Bobby) SMITH; Ronald D. Carnes; Bradford Mizell
Lilley; Donald W. Morgan; Franklin D. Strader; John H.
Russell; John Harrington; Alonzo Watts; Clifton Speight;
William Ryder; Ronney McBride; Ray Forbes,**

Plaintiffs-Appellees,

v.

**Vernon Lee BOUNDS, Commissioner, State Department of
Corrections; Stanley Blackledge, Warden, Central State Prison;
R.L. Turner, Superintendent of Odom Correctional Institution of
the North Carolina Department of Corrections; James
Holshouser, Governor, State of North Carolina; F.R. Moore,
Sergeant, Central Prison; Franklin Mahan, Regional
Superintendent; M.S. Lee, Captain, Washington County Unit
3560,**

Defendants-Appellants.

No. 86-7579.

**United States Court of Appeals,
Fourth Circuit.**

Argued Dec. 11, 1986.

Decided March 18, 1987.

Action was brought to require state to provide prisoners in custody under state process fundamental constitutional right of access to courts. After initial appeal and remand, 598 F.2d 614, and subsequent appeal and remand, 741 F.2d 66, the United States District Court for the Eastern District of North Carolina, Franklin T. Dupree, Jr., Senior District Judge, 610 F. Supp. 597, ordered implementation of legal assistance plan to provide prisoners with attorney assistance. The district court denied reconsideration, 657 F. Supp. 1322, and, after entry of a second order, 657 F. Supp. 1327, defendants appealed. The Court of Appeals, Harrison L. Winter, Chief Judge, held that: (1) district court did not abuse its discretion in ordering

implementation of legal assistance plan; (2) district court did not abuse its discretion in denying motion for reconsideration on ground that assistant Attorney General had inexcusably neglected to present evidence that state's law libraries plan was in compliance with constitutional standards; and (3) order requiring implementation of legal assistance plan did not violate law of the case.

Affirmed.

1. Prisons

District court did not abuse its discretion in requiring state to establish legal assistance program for prisoners, upon concluding that, after ten years, state was still not in compliance with its constitutional obligation to provide prisoners with meaningful access to courts; state failed to meet burden of establishing that law libraries plan brought it in compliance with constitutional obligation.

2. Prisons

Order requiring, as remedy for state's failure to provide prisoners with meaningful access to courts, that state devise appropriate plan of attorney assistance, was not type of restructuring of local government entities which implicated principles of federalism.

3. Prisons

District court properly exercised its discretion when it ordered that attorneys provided by state, to remedy state's failure to provide prisoners with meaningful access to courts, be hired by prison legal services of state, upon concluding that state's plan failed to guarantee that attorneys would be independent, as well as perceived as independent, of Department of Corrections; without such independence, plan could not succeed in providing meaningful access to courts or in discouraging frivolous complaints from prisoners.

4. Contempt

Contempt power of court does not limit its discretion to fashion equitable remedies.

5. Prisons

Power of district court to seek contempt order against state officials, in connection with state's failure to demonstrate that its law libraries plan provided prisoners with meaningful access to courts, did not preclude district court's ordering relief in form of legal assistance program for prisoners.

6. Federal Civil Procedure

Motion for reconsideration of order must be timely and premised on meritorious defense, there must be absence of prejudice to opposing party, and there must be exceptional circumstances to merit reconsideration.

7. Federal Civil Procedure

State failed to establish excusable neglect on part of assistant Attorney General, arising from his failure to present evidence to district court that state's law libraries plan provided prisoners meaningful access to courts, such as would entitle state to relief from district court's order requiring implementation of legal assistance program to assist prisoners. Fed. Rules Civ. Proc. Rule 60(b)(1), 28 U.S.C.A.

8. Courts

Law of the case is rule of discretion and not jurisdictional requirement.

9. Federal Civil Procedure

Alleged failure of district court to follow law of the case in ordering state to implement legal assistance program to assist prisoners, in order to provide them with meaningful access to courts, would not render resulting order void on jurisdictional grounds, such as would entitle state to relief from order. Fed. Rules Civ. Proc. Rule 60(b)(4), 28 U.S.C.A.

10. Federal Civil Procedure

District court did not abuse its discretion in failing to reconsider, under catchall provision of Federal Rules of Civil Procedure, order requiring state to implement legal assistance program for prisoners, to provide them with meaningful access to courts, entered after assistant Attorney General had inexcusably neglected to present evidence that states's law libraries plan was in compliance with constitutional standards; neglect may have warranted reconsideration were it not part of ten-year pattern of neglect and delay. Fed. Rules Civ. Proc. Rule 60(b)(6), 28 U.S.C.A.

11. Federal Courts

District court's order requiring state to implement legal assistance program to provide prisoners with meaningful access to courts did not violate law of the case, where cause had been remanded for district court to determine whether state had established prison

library system which met constitutional standards; Court of Appeals had not decided that only prison library system would be satisfactory.

12. Federal Courts

District court's certifying class, in action challenging state prisoners' lack of meaningful access to courts, prior to entering final judgment requiring implementation of legal assistance service for prisoners, was not reversible error; at time of certification, requirements for certification were all met and state did not suffer prejudice thereby, especially since it had conducted litigation as class suit.

Andrew Albert Vanore, Jr., Chief Deputy Atty. Gen. (Lacy H. Thornburg, Atty. Gen., Sylvia Thibaut, Asst. Atty. Gen. on brief), for appellants.

Barry Nakell, School of Law, University of North Carolina, Chapel Hill, N.C., on brief for appellees.

Before WINTER, Chief Judge,
SPROUSE, Circuit Judge, and
BUTZNER, Senior Circuit Judge.

HARRISON L. WINTER, Chief Judge:

At the time of argument, this litigation had been in progress for over 13 years. We have had three previous appeals¹, and the underlying principles which govern the litigation have been decided by the Supreme Court. *Bounds v. Smith*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977). It was held that the fundamental constitutional right of access to the courts possessed by prisoners in custody under state process required state prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.²

¹*Smith v. Bounds*, 538 F.2d 541 (4 Cir.1975), *affirmed*, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977); *Harrington v. Holshouser*, 598 F.2d 614 (4 Cir.1979) (unpublished) (*Harrington I*); *Harrington v. Holshouser*, 741 F.2d 66 (4 Cir. 1984) (*Harrington II*).

²The Court pointed out that its specific holding had been foreshadowed by the result reached by *Younger v. Gilmore*, 404 U.S. 15, 92 S.Ct. 250, 30 L.Ed.2d 142 (1971), some 6 years earlier, 430 U.S. at 828-89, 97 S.Ct. at 1498-99.

Since the Supreme Court spoke in 1977, the thrust of this litigation has been to require North Carolina to meet these minimum standards. North Carolina, as was its option, sought to bring itself into compliance by the establishment of "adequate law libraries," but it never succeeded in establishing a program that would survive scrutiny by the district court and by us. As we observed in 1984 "seven years after the Supreme Court decision on *Bounds v. Smith*, the same legal action remains still unresolved on this appeal despite [plaintiff's] efforts, through a series of petitions and motions to ensure compliance with the Supreme Court's mandate." *Harrington II*, 741 F.2d at 67.

After we last remanded the case in 1984, the district court by order entered on December 21, 1984 required defendants to submit materials, within thirty days, to show that "they are or shortly will be in compliance with their plan [to provide adequate law libraries.]" When defendants failed to respond, the district court made a careful analysis of North Carolina's proposals then before it and concluded that they were constitutionally deficient in at least three respects: (a) the absence of facilities for indigent inmates to photocopy without charge materials required to be filed with a court; (b) the omission of programs to train inmates as paralegals; and (c) the unavailability of prison law libraries for all inmates. Having found the "state's inability or an unwillingness to implement its plan," the district court concluded that it must decree some form of assistance from trained attorneys, and on May 14, 1985 it filed its opinion indicating that it would grant such relief. 610 F.Supp. 597. It also ordered the state to devise a plan to provide inmates with some form of attorney assistance.

After the state submitted a plan for attorney assistance and a hearing was held, the district court, on April 10, 1986, issued a second order which directed the state to provide such assistance through attorneys who were to be hired and administered by Prison Legal Services of North Carolina. 657 F.Supp. 1327 (E.D.N.C. 1986).

Three times defendants sought reconsideration of the May 14, 1985 order requiring the state to present a plan for attorney assistance. They sought reconsideration primarily on the ground that defendants' lawyer, Assistant Attorney General Jacob L. Safron who had represented them throughout the over ten-year period of this litigation, had inexcusably

neglected to present evidence to the district court that the state's law libraries plan was in compliance with constitutional standards. The district court denied reconsideration, 657 F.Supp. 1322, and, after entry of the April 10, 1986 order, defendants appealed.

Before us defendants argue that the district court abused its discretion both in ordering that a lawyer assistance plan be formulated and in denying reconsideration of the order. Subsidiary contentions are that the district court violated the law of the case in ordering the plan to be established and that the district court abused its discretion by certifying the action as a class action. We are not persuaded that there was any error and we affirm.

I.

[1] We perceive no abuse of discretion on the part of the district court in requiring the establishment of a legal assistance program.

A district court enjoys wide discretionary authority in formulating remedies for constitutional violations. After a finding of systemic constitutional violations, a court may order necessary changes in the structures or procedures of a state institution to alleviate those violations, *Hutto v. Finney*, 437 U.S. 678, 98 S.Ct. 2565, 57 L.Ed.2d 52 (1978); *Milliken v. Bradley (Milliken II)*, 433 U.S. 267, 97 Ct. 2749, 53 L.Ed.2d 745 (1977), and its formulation of relief is reversible only for an abuse of discretion. *Milliken II*, 433 U.S. at 288, 97 S.Ct. at 2761; *Vaughns v. Bd. of Education of Prince George's County*, 758 F.2d 983, 993 (4 Cir.1985); *Harper v. Kloster*, 486 F.2d 1134, 1137 (4 Cir.1973).

The district court's remedy was a reasonable choice among its alternatives to deal with the constitutional violation that it found. See *Milliken II*, 433 U.S. at 281-82, 97 S.Ct. at 2757-58 (the nature and scope of the remedy are to be determined by the violation). "It is now established beyond doubt that prisoners have a constitutional right of access to the courts." *Bounds v. Smith*, 430 U.S. at 821, 97 Ct. at 1494. The district court evaluated the program of the Department of Corrections "as a whole, to ascertain its compliance with constitutional standards." *Id.* 430 U.S. at 832, 97 S.Ct. at 1500. The burden of proving compliance with constitutional standards was on the Department of Corrections. *Harrington II*, *supra*. The

defendants failed to meet this burden when they did not file any materials showing compliance with constitutional standards following both an order from the district court requiring that the state demonstrate compliance and a motion for summary judgment. Consequently, the district court entered summary judgment for the plaintiffs.

The district court made several findings, based on the record before it, which indicated the state was not in compliance with constitutional standards. First, the court found that the state had not demonstrated that it provides indigent inmates with facilities to photocopy free of charge all materials required to be filed with a court. Second, the state had not demonstrated that it had provided for the training and placement of any inmate paralegals. Finally, the record indicated that a large number of law library requests had been denied without explanation. Accordingly, the district court concluded that, after ten years, the state was still not in compliance with its constitutional obligation to provide inmates in North Carolina with meaningful access to the courts. Based on the record that was before the district court, these findings are not contested by the parties.

The district court did not conclude, as the defendants contend, that prisoners have a constitutional right to access to an attorney. The district court ordered a remedy of attorney assistance because the state's program of law libraries had failed to meet the defendants' constitutional obligation of providing meaningful access to the courts. The district court's remedy flowed logically from *Bounds*. *Bounds* held that either remedy, law libraries or attorney assistance, could fulfill the constitutional requirement of access. Once the state foreclosed the remedy of law libraries, the remaining choice was obvious. The alternative to a system of libraries was some form of assistance to prisoners from trained attorneys. See *Hutto v. Finney*, 437 U.S. at 687, 98 S.Ct. at 2572 ("[t]aking the long and unhappy history of the litigation into account, the court was justified in entering a comprehensive order to insure against the risk of inadequate compliance").

[2] It is too late in the day to argue that the presence of attorney assistance for prisoners would be a burden on the state. The Supreme Court stated in *Bounds v. Smith* that legal assistance would have several advantages over libraries alone, including mediation and

resolution of complaints that would otherwise burden officials and the courts. 430 U.S. at 830-32, 97 S.Ct. at 1499-1500. The Court noted that nearly half the states already provide some type of legal assistance to prisoners. *Id.*, 430 U.S. at 830-31, 97 S.Ct. at 1499-1500. The district court's order requiring that the state devise an appropriate plan of attorney assistance simply does not constitute the type of restructuring of local government entities which implicates principles of federalism. *Milliken II*, 433 U.S. at 291, 97 Ct. Ct. at 2762.

[3] The district court also properly exercised its discretion when it ordered that attorneys provided by the State be hired by Prison Legal Services of North Carolina. The state's plan, as the district court found, failed to guarantee that attorneys would be independent, as well as perceived as independent, of the Department of Corrections. Without such independence, the plan could not succeed in providing meaningful access to the courts or in discouraging frivolous complaints from prisoners.

[4, 5] The state also argues that the district court abused its discretion by ordering relief in the form of legal assistance when it could have sought contempt orders against the defendants. The contempt power of a court does not limit its discretion to fashion equitable remedies. *Berger v. Heckler*, 771 F.2d 1556, 1569 (2 Cir.1985); *Alexander v. Hill*, 707 F.2d 780, 783 (4 Cir.1983), *cert. denied sub nom. Syria v. Alexander*, 464 U.S. 874, 104 S. Ct. 206, 78 L.Ed.2d 183 (1983); *Smith v. Miller*, 665 F.2d 172, 175 (7 Cir.1981). "The court is invested with broad equitable powers and simply should not be compelled to operate in a punishment or nothing atmosphere." *Alexander v. Hill*, *supra*, 707 F.2d at 783. Contempt sanctions could not promise immediate alleviation of the constitutional defect in this case given the history of foot-dragging that the district court found on the part of the state. *Id.* ("Alleviation rather than sanction" is the goal.) See *Milliken II*, 433 U.S. at 280 n. 15, 97 S.Ct. at 2757 n. 15 (federal courts are authorized to implement plans that promise "realistically to work now.") Moreover, orders to show cause against a wide range of state officials with the duty of implementing the law library plan would have been more intrusive on state decisionmaking than the district court's chosen remedy. Adjudication of contempt orders during the enforcement of injunctive relief guarantees a "major continuing intrusion of the equitable power of the federal court into the daily conduct of state . . . proceedings [and] is in sharp conflict with the principles of equitable restraint which this court has recognized." *O'Shea v. Littleton*, 414 U.S. 488, 502, 94 S.Ct. 669, 679, 38 L.Ed.2d 674 (1974).

II.

[6] Nor do we think that there was any abuse of discretion in the three denials of defendants' motions for reconsideration. A district court's decision to deny reconsideration will be disturbed only if the court abused its discretion. *Werner v. Carbo*, 731 F.2d 204 (4 Cir.1984). To merit reconsideration, a motion must be timely and premised on a meritorious defense, an absence of prejudice to the opposing party, and exceptional circumstances. *Id.*, at 206-07; *Compton v. Alton Steamship Co.*, 608 F.2d 96, 102 (4 Cir.1979). The motion in this case was timely and premised on a meritorious defense. The documents submitted to the district court in support of the motion for reconsideration indicate that the state law library system may have been in compliance with constitutional requirements. There is also no reason to believe that the plaintiffs would have been prejudiced by a reconsideration based on the merits of the defendants' argument that they are in compliance.

There remains, however, the issue of exceptional circumstances. The movant must satisfy one or more of Rule 60(b) six grounds for relief from judgment. In this case, the defendants claim that the district court should have granted their motion because of their claim of excusable neglect, FRCP 60(b)(1), because the judgment was void, FRCP 60(b)(4), and because they offered other just reasons justifying relief from the judgment, FRCP 60(b)(6). We consider these grounds *seriatim*.

[7] Under Rule 60(b), a movant is entitled to relief from judgment for reasons which include, under subsection (1), mistake, inadvertence, surprise or excusable neglect. Defendants contend that they failed to comply with the orders of the district court due to excusable neglect. They admit that Assistant Attorney General Safron's neglect of the court's orders was inexcusable. The defendants contend, however, that *they* excusably neglected to obey the orders of the court because they reasonably relied on Mr. Safron to carry out his duties. Affidavits from attorneys and officials of the Department of Corrections, submitted by the state, declare that state officials had gathered materials for the court relevant to its orders, but assumed that Mr. Safron was attending to compliance with the court's orders. The Attorney General for the State declares that supervision of the cases assigned to his assistants is impossible and that he must place exclusive reliance on his assistants.

In our view, defendants have not established excusable neglect for purposes of 60(b)(1). The attorney's neglect in this case was serious and unexcused. The Attorney's General's and the Department of Correction's failure to supervise Mr. Safron do not make his neglect excusable. *Universal Film Exchanges, Inc. v. Lust*, 479 F.2d 573, 576 (4 Cir.1973) (gross negligence of counsel does not constitute excusable neglect by the defendants).³ If we were to credit fully the defendants' arguments, a state would never be responsible for the neglect of its assistant attorney generals. This would undermine the adversarial system. See *Link v. Wabash Railroad Co.*, 370 U.S. 646, 634, 82 S.Ct. 1386, 1390, 8 L.Ed.2d 734 (1962). In addition, from our own experience we are well aware that supervision of case assignments is possible in a large legal office through an administrator who is in charge of tracking deadlines. Finally, we note that Mr. Safron was not the only attorney of record in this case, any number of attorneys could have monitored the court-ordered deadlines. Nor was the district court unduly strict about enforcing its orders. The district court did not enter summary judgment for the plaintiffs on the issue of noncompliance until several months after the deadline for demonstrating compliance had passed. In argument, counsel for plaintiffs tell us that he literally begged Mr. Safron for compliance. Thus, reliance of the defendants on Mr. Safron should not convert Mr. Safron's neglect into excusable neglect.

[8,9] Reconsideration is also appropriate where a judgment is void due to the district court's lack of jurisdiction. FRCP 60(b)(4). The defendants contend that reconsideration was required because the court's judgment violated the law of the case which operated as a limit on the jurisdiction of the district court. We are not persuaded. The law of the case is a rule of discretion and not a jurisdictional requirement. *Piambino v. Bailey*, 757 F.2d 1112, 1120 (11 Cir. 1985), cert. denied, — U.S. —, 106 S.Ct. 2889, 90 L.Ed.2d 976 (1986). Moreover, as we show later, there is no merit in the argument that the district court violated the law of the case.

³It is not without significance that the Attorney General still relies on Safron. We are aware that he was sole counsel representing North Carolina in another appeal which was argued during the December, 1986, session of the court.

[10] In some instances, appellate courts have employed the catch-all provision of FRCP 60(b)(6) to order reconsideration of default judgments which resulted from neglect of counsel. *Boughner v. Secretary of HEW*, 572 F.2d 976 (3 Cir.1978)); Wright & Miller, Federal Practice & Procedure, § 2864 & n. 50. "[A] sound discretion hardly comprehends a pointless exaction of retribution. Dismissals for misconduct attributable to lawyers and in no [way] to their clients invariably penalize the innocent and may let the guilty off scott-free." *Jackson v. Washington Monthly Co.*, 569 F.2d 110, 123 & n. 23 (D.C.Cir.1977) (and cases cited herein). Moreover, public confidence in the legal system is undermined when a litigant's claim is dismissed due to the blameworthy actions of their counsel. *Id.* The litigant does have recourse in such a case—a malpractice action—but that approach may not result in a hearing on the merits of the plaintiff's case. The court, however, does have an alternative to a default judgment; it may seek contempt sanctions against counsel. *Id.*, at n. 24.

Under these authorities, Mr. Safron's neglect to comply with the district court's order to demonstrate compliance, considered in isolation, may have warranted reconsideration by the district court. Under such circumstances, justice would probably require that the district court reach a decision on the merits. *Campion v. Alton Steamship Co.*, *supra*, 608 F.2d at 102-03; *Tolson v. Hodge*, 411 F.2d 123, 130 (4 Cir. 1969). These considerations are, of course, equally applicable to litigation between private parties as to litigation in which a government is a party. However, Mr. Safron's neglect was part of a decade-old pattern of neglect and delay. In *Harrington II*, we characterized "the State's efforts in this area" as "a chronology of failure." 741 F.2d at 69. As the district court stated below, "The plaintiffs cite eleven other instances where defendants failed to respond, to the court's orders. The state's failure to comply with the December 1984 order was quite simply the straw that broke the camel's back . . . Clearly, the defendants knew or should have known that counsel had a history of failing to respond to the court's orders."

The history of the defendants' neglect of its duties in this case, as recounted by the district court, is set forth in the margin.⁴ We find it correctly described.

⁴In 1974, the district court ordered the state to establish regional law libraries in prisons across the state and file a certificate of compliance within 120 days. This decision was affirmed by us in 1975 and the Supreme Court in 1977. The state did not advise the district court of its progress until more than a year after the Supreme Court's decision.

After further proceedings, the plaintiffs filed their first set of interrogatories on July 26, 1979. The defendants did not answer for three months. Plaintiffs then filed a motion to compel. Defendants then requested and received an extension to answer until November 1, 1979.

The extended deadline for answering the interrogatories then passed without the defendants providing any answers. A hearing was set for June 3, 1980 which prompted the defendants to file their answers on May 29, 1980, almost seven months past the November extended deadline.

The defendants' answers, which were filed May 29, 1980, were contained in an affidavit from the Deputy Director of the Division of Prisons. The affidavit was dated November 6, 1979.

On February 17, 1981, the district court ordered the defendants to submit within 90 days a statement of the means by which they would train inmate paralegals. They were also ordered to file within 30 days a profile of the operation of the use of law library facilities by inmates in disciplinary segregation. The thirty days passed without response. On May 8, the defendants asked for and received an extension until August 7. They filed their response on that date which consisted of two affidavits.

Plaintiffs later served another set of interrogatories on September 9, 1982. The State provided no answers and so the plaintiffs sought a motion to compel. This motion was unopposed, the court granted the motion on December 1. On December 9, the defendants sought and received an extension to answer until January 15. Defendants filed their answers on January 11.

On January 28, 1982 plaintiffs filed a motion for an order requiring the defendants to comply with their law library plan. The state did not respond. On May 3, 1982 the court issued an order directing the defendants to show cause within ten days why the motion should not be granted. Fourteen days later the state responded in an answer that summarized their previous filings.

The district court issued an order on May 7, 1982 directing the parties to submit within thirty days satisfactory alternatives to their previous proposals. The State did not respond. On September 3, the court held a hearing on the subject of the order at which point the defendants responded.

After the final remand to the district court, on September 14, 1984, the plaintiffs filed motions for partial summary judgment and for an order compelling defendants

Under these circumstances, the district court did not abuse its discretion by denying the motion for reconsideration. Appellate courts have generally approved of dismissal of a client's action due to counsel's conduct "when the attorney has taken a course of protracted neglect." *Jackson v. Monthly Co.*, *supra*, 569 F.2d at 121 & n. 10 & 11 (and cases cited therein). Consistent with its role and function as a court, the district court could not sanction this extensive history of nonfeasance. Even when a sovereign state is a litigant, there comes a time when further delay cannot be tolerated. In this case, that time was well past. *Cf. Green v. County School Board*, 391 U.S. 430, 439, 88 S.Ct. 1689, 1694, 20 L.Ed.2d 716 (1968) ("the burden on a school board today [in remedying desegregation] is to come forward with a plan that promises realistically to work . . . now").

III.

[11] Defendant's other contentions do not require lengthy discussion. The argument that the district court violated the law of the case and that its judgment is thus void is answered by the fact that we remanded the case to determine whether North Carolina had established a prison library system which met Constitutional standards. We did not decide that only a prison library system would satisfy the requirements of *Bounds*. The law of the case doctrine does not govern issues which the appellate court did not address. *Piambino v. Bailey*, *Supra*, 757 F.2d at 1120. Once the district court found that North Carolina had not proved its case, it was free to adopt the other remedy approved by the Supreme Court in *Bounds*.

to report on their obligation to provide inmates with legal facilities. Defendants did not respond.

The district court subsequently ordered the state to submit within thirty days its plan to provide legal facilities to inmates in disciplinary segregation. Plaintiffs then successfully sought a motion to compel the defendants to show within 30 days that it was in compliance with its plan regarding training of inmate paralegals, free copying of legal materials, and the availability of prison law libraries. The defendants did not respond.

Plaintiffs moved the Court on January 30, 1985 to issue judgment because the defendants had not demonstrated that they were in compliance with constitutional requirements. The defendants did not respond.

The district court entered summary judgment against the defendants on May 14, 1985 because the Defendants had not demonstrated compliance.

[12] We see no reversible error in the district court's certifying a class on October 16, 1985. Plaintiffs had sought from the institution of the case to maintain it as a class action. The district court deferred certification of a class because it thought that certification could be avoided if more inmates were substituted as party plaintiffs for those original plaintiffs who died or were released. When the district court concluded to certify the class prior to entering its final judgment, the requirements for certification were all met and defendants were not prejudiced thereby, especially since they had conducted the litigation as a class suit.

AFFIRMED.

APPENDIX D

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 86-7579

ROBERT (BOBBY) SMITH; RONALD D. CARNES;
BRADFORD MIZELL LILLEY; DONALD W. MORGAN;
FRANKLIN D. STRADER; JOHN H. RUSSELL; JOHN
HARRINGTON; ALONZO WATTS; CLIFTON SPEIGHT;
WILLIAM RYDER; RONNEY McBRIDE; RAY FORBES
McBRIDE; RAY FORBES

Plaintiffs-Appellees

versus

VERNON LEE BOUNDS, Commissioner, State Department of
Corrections; STANLEY BLACKLEDGE, Warden, Central State
Prison; R. L. TURNER, Superintendent of Odom Correctional
Institution of the North Carolina Department of Corrections;
JAMES HOLSHOUSER, Governor, State of North Carolina;
F.R. MOORE, Sergeant, Central Prison; FRANKLIN MAHAN,
Regional Superintendent; M.S. LEE, Captain, Washington
County Unit 3560

Defendants-Appellants

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Judge Franklin T.
Dupree, Jr., Senior District Judge. (CA-3052).

Argued: October 6, 1987

Decided: March 3, 1988

Before WINTER, Chief Judge, RUSSELL, WIDENER,
HALL, PHILLIPS, MURNAGHAN, SPROUSE, ERVIN,
CHAPMAN, WILKINSON, WILKINS, Circuit Judges, and
BUTZNER, Senior Circuit Judge, sitting in banc.

Andrew Albert Vanore, Jr., Chief Deputy Attorney General (Lacy H. Thornburg, Attorney General; Sylvia Thibaut, Assistant Attorney General, North Carolina Department of Justice on brief) for Appellants; Barry Nakell, University of North Carolina School of Law for Appellee.

PER CURIAM:

We reheard this case in banc, and we affirm the judgment of the district court on the facts and for the reasons set forth in the panel opinion, *Smith v. Bounds*, 813 F.2d 1299 (4 Cir. 1987), as supplemented by the additional comments which follow.

Defendants contend that they presented a case of excusable neglect under Rule 60(b), F.R. Civ. P., justifying relief from the May 14, 1985 order, decreeing that the state must provide assistance to prisoners by trained attorneys, and permission to reopen the case in order to show that North Carolina had a constitutionally acceptable prisoner library program. We note two significant factual findings by the district court in rejecting this contention. First, in denying defendants' initial motion for reconsideration, the district court concluded that defendants had not shown excusable neglect because "defendants' failure to respond to the December 21, 1984 order was not an isolated incident. Clearly, defendants knew or should have known that counsel had a history of failing to respond to the court's orders."

Similarly when the district court denied defendants' second renewed motion for reconsideration,* it dealt with defendants' argument that while Safron's dereliction in failing to respond to the December 21, 1984 order was not excusable neglect, their failure to respond was excusable because Safron's omission was an isolated incident which neither defendants nor Safron's supervisors could have anticipated. Again it found that "actions of counsel which precipitated the May 14, 1985 order and opinion were not isolated incidents." It noted that "the state had failed eleven other times over the course of

*Defendants' first renewed motion for reconsideration was denied by simple order without opinion.

this litigation to timely respond to this court's orders. . . . Thus, the state's failure to comply with the court's orders cannot be laid solely at Mr. Safron's door . . . [T]he court concludes that defendants must share the responsibility for counsel's failure to provide the court with sufficient information to determine the adequacy of the law library plan."

Coupled with these factual findings is the district court's finding, described in the panel opinion and reiterated by the district court in its opinion denying the initial motion for reconsideration, that North Carolina was unable or unwilling to implement its library plan consistent with minimum constitutional requirements.

From the facts of record and for the reasons set forth in the panel opinion as well as our own examination of the record, we conclude that these findings of fact are not clearly erroneous. If, as the district court permissibly found, there was neglect on the part of all of the defendants, it follows that they could not establish "excusable neglect," they had no right to reconsideration under Rule 60(b), and the district court correctly denied repeated motions for reconsideration.

AFFIRMED.

WIDENER, Circuit Judge, dissenting:

I respectfully dissent, for, in my opinion, the district court not only failed to comply with our mandate, it abused its discretion. The majority decision effectively ends litigation in this matter, at least at this stage, without allowing the Department of Corrections to be given the opportunity to present its evidence showing the constitutional compliance of its prison law libraries. The record contains such evidence that has been collected and tends to establish that the libraries have been in compliance for some time.

I

The history of the litigation in this case deals with two aspects, the plan and its implementation. The litigation involving the approval of the plan proposed by the State culminated in the Supreme Court decision in *Bounds v. Smith*,

430 U.S. 817 (1977), which upheld this court which had held that the proposed plan met constitutional standards¹ and that the State was under no constitutional obligation to offer inmates both research facilities and the services of attorneys. The plan thus encompassed a proposal which, when implemented, would provide the prisoners the constitutional right of access to the courts.

The plan, as approved, included:

- (1) the establishment of a number of central and core law libraries at various prison facilities around the State; (2) transportation and lodging to be provided to prisoners needing to travel to the libraries from other facilities; (3) training of inmate assistants to aid their fellow prisoners; (4) priority given to inmates working under deadlines; and (5) providing of free copying services to indigent prisoners.

This court, in *Harrington v. Holshouser* (Harrington I), tabulated in 598 F.2d 614 (4th Cir. 1979) (unpublished), added an additional requirement of adequate access to the libraries for inmates on disciplinary segregation.

The remainder of the litigation, with only slight exception, has concerned itself with the proper implementation of the approved plan. The State filed with the district court a certificate of compliance after instituting the prison law library system, the filing of which certificate was required by the plan. The prisoners objected, and the district court dismissed the action, finding the system constitutionally sufficient. From this order, the prisoners appealed in *Harrington I*, basing their objections on four grounds: (1) none of the law libraries were provided with law digests or indices; (2) the defendants did not provide the district court with information from which it could determine whether the placing of the libraries and the proposed transportation system could adequately serve prisoners on a statewide basis; (3) the certificate of compliance did not address the important facets

¹Except as to like access to libraries for female as for male prisoners. This was corrected by our decision in the first appeal and is not an issue here.

of the plan dealing with the training and use of inmate assistants and offering free copies to indigents; and (4) the defendants adopted a regulation establishing certain restrictions on the use of the libraries by inmates in disciplinary segregation which was not included in the proposed plan. We held that the first claim had been argued and resolved in the adoption of the plan and thus was not subject to relitigation. As to the remaining three issues, the district court's order of dismissal was vacated and the case remanded for further fact finding. Additionally, the district court was instructed to address whether bed space was available for those prisoners who had to be transferred for library access.

Some four years later, on April 18, 1983, having reconsidered the case on account of the remand in *Harrington I*, the district court again dismissed the case upon its finding that the State had satisfactorily implemented the plan. Thus, the district court at this juncture had twice approved the State's implementation of the plan by dismissing the case based on the law library system's constitutional compliance. Another appeal by the prisoners was filed in this court on four issues somewhat similar to those considered in *Harrington I*: (1) the adequacy of the training provided to prisoner paralegals staffing the law libraries; (2) copying charges assessed against prisoners unable to pay; (3) the permissibility of limiting access to the libraries for prisoners on disciplinary segregation; and (4) the State's plan to provide access by means of short-term transfers. *Harrington v. Holshouser*, 741 F.2d 66, 67-68 (4th Cir. 1984) (*Harrington II*).

We affirmed the district court's denial of relief on the third and fourth issues, access for prisoners on disciplinary segregation and access by short-term transfers, and remanded for further fact finding on the first and second issues, paralegal training and copying charges against indigent inmates. We also added a requirement that the district court make fact findings on the extent of library use and number of requests for library use which were denied. This was the status of the case in the district court when the instant proceedings got under way, which culminated in the district court's orders of December 21, 1984, to which the State failed to respond, and the order of

May 14, 1985 which imposed the attorney assistance plan on the State.

II

The district court, of course, had ample reason to be upset with Mr. Safron due to his representation of the Department of Corrections in this stage of the litigation, but this should be an insufficient reason to decline to carry out our mandate as precisely set forth in *Harrington II*. A lower court's declining to carry out a mandate of its superior court for the reason that one of the parties may be recalcitrant (even if that be the case here) is a reason which is insufficient in law and should not be permitted. Our instructions were simple, direct, and easily understood, and are contained in four uncomplicated sentences found in 741 F.2d at p. 70.

Once a case has been decided on appeal and a mandate issued, the lower court may not "vary it [the mandate] or examine it for any other purpose than execution; or give any other or further relief; or review it, even for apparent error, upon any matter decided on appeal; or intermeddle with it, further than to settle so much as has been remanded." *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895). And, while the imposition of the plan for attorneys' services was not explicitly stated to be "a matter left open," the district court treated it as such. That question too has been recently treated by us in *Stamper v. Baskerville*, 724 F.2d 1106 (4th Cir. 1984), in which we relied on the language I have quoted above from *Sanford* and added: "Nor do we believe that *In re Sanford* should be read to permit a lower court to treat an issue not before the appellate court as 'a matter left open.' 160 U.S. at 255-56, 16 S.Ct. at 293. Were this the rule, a lower court could circumvent any and every order . . . simply by passing on an issue not present on appeal. A lower court may decide 'matters left open' only insofar as they reflect proceedings consistent with the appellate court's mandate." 724 F.2d at p. 1108. A leading text on the subject agrees: "[W]hen the further proceedings [on remand] are specified in the mandate, the district court is limited to holding such as are directed." 1B

Moore's Federal Practice § 0.404[10] p. 172 (1983).

The Supreme Court, in this very case, decided the questions before it on the basis that the district court had left to the State the choice of which alternative would "most easily and economically" fulfill its duty. 430 U.S. at 819. The State has chosen the law library system; that is undisputed. This is annunciated by the fact that the district court in its instant opinion noted that in *Harrington II* the court of appeals specifically rejected installing the legal assistance program. 610 F.Supp. at 603. The matter has thus been litigated previously and decided adversely to the prisoners.

I am of opinion that the district court erred by going beyond our mandate to fashion a remedy that this court had specifically rejected as being required. This is especially true when the record at the time of the district court's order appealed from showed, as even the majority admits, that "the state law library system may have been in compliance with constitutional requirements." 813 F.2d at 1303.

I should add, at this point, that the district court did not even consider sanctions or a contempt citation, the usual ways of insuring compliance with a court order. Such absence enters into my conclusion that the district court did not comply with our mandate as well as that it abused its discretion in failing to grant relief under Rule 60(b)(6) from its order imposing the attorneys' assistance system which is discussed below.²

III

Both the district court, even as it denied Rule 60(b) relief, and this court recognized that the State's law library plan may have been in compliance as of May 1985. See district court Order, App. 542-543; *Smith v. Bounds*, 813 F.2d 1299, 1303 (4th Cir. 1987). The majority nevertheless affirms the district court's denial of the State's FRCP 60(b) motion to present evidence of compliance (accompanying the motion in the form

²The oral argument of plaintiffs' attorney that he "literally begged" Mr. Safron for compliance, which is relied upon by the majority as a base for its decision, 813 F.2d at p. 1304, has a hollow sound. That same attorney made no motion for contempt citations or other sanctions, the tools of every lawyer in securing compliance with court orders.

of affidavits)³ for a stated reason that the State "knew or should have known" what its attorney was doing during the progression of the case. The state argues, with reason that its reliance on Mr. Safron was based not only on a successful history in representing the Department of Corrections but also on his great success in this court and the Supreme Court as well.

³Over 95 pages of documents consisting of affidavits, regulations and attachments were filed at the time of the motion for reconsideration, which support the Department of Corrections' contention that the law libraries are and have been constitutionally sufficient. Barbara Shaw, a Department of Corrections employee who gathered the information to comply with the district court's December 21, 1984 order, states that the photocopying regulations had been changed, becoming effective in January 1985. Further, she also forwarded to Mr. Safron revised regulations concerning access by those inmates on disciplinary segregation. Attachments showed access to the court regulations. 5 NCAC 2G .0201-.0205, setting up procedures for inmates to follow. Michael Lamm, Correctional Lieutenant at Central Prison in Raleigh, North Carolina, stated that the core library facility in Central Prison over which he had supervision is in compliance with the policies codified. He also stated that no inmates are denied access. All those who request appointments are scheduled for library time, though occasionally, some do not show. Additionally, refuting the district court's independent fact finding on the issue, Mr. Lamm stated that free photocopying of any document required by the court is allowed to inmates and is not based on indigency. From 1981-1985, Mr. Lamm helped coordinate six inmate paralegal training workshops at Central Prison for inmates throughout the State. Aaron Johnson, Secretary of Corrections, testified to full compliance of the photocopying facilities attaching the photocopying logs for previous years. Nathaniel Boykin, Head Librarian, oversees the operation of the libraries and training workshops. He states that there have been five inmate paralegal workshops from February 1983 to the date of the affidavit (June 1985). Further, he attaches the curriculum of such workshops and the lists of inmate and non-inmate attendance. Jerry Price, who has served in the capacity as Supervisor and Administrator of all of the law libraries for 10 years (June 1985), verifies the Department of Corrections' compliance with the constitution on all issues implemented by the plan.

Mr. Safron was licensed to practice law in 1957. He joined the Attorney General's office of the State of North Carolina in 1968. He has personally appeared before the United States Supreme Court as counsel representing the State on seven occasions, successful in each.⁴ In this court, he has appeared 128 times, beginning in 1972, zealously representing the State. In an affidavit filed by Mr. Safron, he admitted with candor his neglect of duties in not responding to the December 21st order, and, expressing his deep regret and abject apology to the court for that neglect, took full responsibility. Additionally, James C. Woodard, Secretary of the Department of Corrections from 1981-84, filed an affidavit stating that he had no reason to doubt Mr. Safron's "most thorough" handling of the case as he had always done excellent work in the past for the Department.

In affidavits filed by Mr. Safron's coworkers on the case,⁵ the State showed that no one other than himself was aware of his ongoing negligence in answering the December 21, 1984 order. Despite this, the majority places the blame for a single attorney's actions on the State when the record shows that the State had little or no knowledge of the attorney's then contemporaneous actions and completely relied on his work, being assured by his past accomplishments. Mr. Safron had never shown dereliction in the past representing the State and the Department of Corrections, both of which placed their confidences in his abilities to properly conduct the case. The record discloses no reason that the State should have doubted his conduct of the ongoing litigation. But, despite these facts,

⁴*North Carolina v. Alford*, 400 U.S. 25 (1970); *Parker v. North Carolina*, 397 U.S. 790 (1970); *North Carolina v. Rice*, 404 U.S. 244 (1971); *Ross v. Moffitt*, 417 U.S. 600 (1974); *Weinstein v. Bradford*, 423 U.S. 147 (1975); *Bounds v. Smith*, 430 U.S. 817 (1977); and *Jones v. North Carolina Prisoners' Labor Union*, 433 U.S. 119 (1977).

⁵Ben Irons, Chief Legal Adviser to the Secretary of Corrections, and Barbara Shaw, Department of Corrections employee, stated in affidavits that they relied on Mr. Safron to attend to the matter, both fully confident that he had done so. Lacy Thornburg, Attorney General for the State of North Carolina, also filed an affidavit stating that he was not aware of Mr. Safron's negligence in answering the December 21, 1984 order until the May 15, 1985 order.

the district court, and now this court, has foreclosed all consideration of the facts going to the merits of the case due to the neglect of one State's attorney who was in the sole position to monitor compliance with the district court's order.

The majority takes the controlling authority in this circuit to be *Compton v. Alton Steamship Co.*, 608 F.2d 96 (4th Cir. 1979), and I agree. Under *Compton*, four things are necessary for relief under FRCP 60(b)(6). The motion must be timely; it must be premised on a meritorious defense; there must be an absence of prejudice to the opposing party; and it must be accompanied by exceptional circumstances. *Compton* p. 102; *Smith v. Bounds*, 813 F.2d at p. 1303. The majority goes on to find that the first three requisites have been met by the defendants, that of timeliness, a meritorious defense, and absence of prejudice. Again, I agree. So that leaves our difference as to whether Rule 60(b) relief should have been afforded depending upon whether or not exceptional circumstances existed. The majority holds that they did not.

I suggest, however, that the majority has overlooked not only the holding of *Compton* but also its reasoning. In *Compton*, we held it was error not to set aside a judgment based on just such conduct, where a shipowner who had been sued for wages had passed along all of the papers to a charterer who was operating the ship "since it [the shipowner] had reason to assume Bulk Food Carriers would enter an appropriate defense." 608 F.2d at 103. Under those circumstances, where a relatively small wage claim was multiplied many times by an erroneously applied penalty statute, we held it an abuse of discretion not to set aside the judgment on proper application. As our reasoning for granting relief under Rule 60(b)(6), we described that rule as the "'catchall' clause . . . [citation omitted] because it provides the court with 'a grand reservoir of equitable power to do justice in a particular case,'" citing 7 *Moore's Federal Practice* § 60.27[2]. We continued that the rule vests power in courts adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice, quoting *Klapprott v. United States*, 335 U.S. 601, 614-15 (1949). We concluded that *Compton* was "just such an extraordinary case" where Rule

60(b)(6) was intended to afford relief. I contend that this is a like case. Not only is the record devoid of any action by the State, as contrasted with its attorney, which would indicate any recalcitrance or footdragging, it is full of papers which indicate that the State had proceeded to comply with our mandate in *Harrington II* and that her attorney simply neglected to file the papers. I think that is an exceptional circumstance which warrants relief. As we held in *Compton*, I would hold the action of the district court in this case declining to grant relief under Rule 60(b)(6) to be an abuse of its discretion.

I am authorized to state that Judges Russell, Wilkinson and Wilkins join in this dissent.

APPENDIX E

42 USCS § 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

(R. S. § 1979; Dec. 29, 1979, P. L. 96-170, § 1, 93 Stat. 1284.)

APPENDIX F

FIRST AMENDMENT UNITED STATES CONSTITUTION

AMENDMENT I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

APPENDIX G

FOURTEENTH AMENDMENT SECTION 1 UNITED STATES CONSTITUTION

AMENDMENT XIV.

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the

United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX H

RULE 60 FEDERAL RULES OF CIVIL PROCEDURE

Rule 60. Relief From Judgment or Order

(a) **Clerical Mistakes.** Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

(b) **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc.** On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. The motion shall be made within a

reasonable time, and for reasons (1), (2), and (3) not more than one year after the judgment, order, or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding, or to grant relief to a defendant not actually personally notified as provided in Title 28, U.S.C., § 1655, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis, audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Dec. 29, 1948, eff. Oct. 20, 1949; Mar. 2, 1987, eff. Aug. 1, 1987.)

APPENDIX I

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
VS.	)	RALEIGH
	)	DIVISION
VERNON LEE BOUNDS, et al.,)	
)	
<i>Defendants</i>)	

DONALD W. MORGAN, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
VS.	)	RALEIGH
	)	DIVISION
R. L. TURNER,)	
)	
<i>Defendant</i>)	

JOHN HARRINGTON, et. al.,)	
)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
VS.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
)	
<i>Defendants</i>)	

ORDER

This action is before the court on plaintiffs' motion for attorney's fees, motion for partial summary judgment, and motion for an order compelling defendants to report on their compliance with their constitutional obligation to provide inmates with adequate legal facilities. The time for response has run, and defendants have failed to respond to any of the motions. Accordingly, all are ripe for disposition.

HISTORY OF THE CASE

Plaintiffs initially brought these actions separately in the early 1970's. As each action challenged the adequacy of the North Carolina Department of Correction's legal research facilities, they were consolidated by the court. In 1974, Judge Larkins granted plaintiffs' motion for summary judgment and ordered the state to submit either a plan to provide inmates with adequate library facilities or some reasonable alternative plan. The state submitted a plan which was separated into three components. First, the state would establish regional law libraries in prisons across the state. Second, the state would develop procedures for their use by inmates. And third, the state would train inmate paralegals to staff each of the libraries. This plan was approved by Judge Larkins, who also ordered the state to file upon implementation of the plan a Certificate of Compliance. Judge Larkins' order was affirmed by the Fourth Circuit Court of Appeals *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), and by the Supreme Court, *Bounds v. Smith*, 430 U.S. 817 (1977).

In December of 1978, after providing books for ten "full" and eleven "core" law libraries, the state filed a Certificate of Compliance, and this court dismissed the action. The Court of Appeals vacated that order *Harrington v. Holshouser*, 598 F.2d 614 (1979) (unpublished), concluding that the burden was on the state to show compliance with all aspects of the plan. Specifically, the Court of Appeals ordered this court to consider plaintiffs' claims that: (1) defendants had failed to comply with the requirements that there be a trained inmate

paralegal at each library; (2) they had failed to provide any information regarding free copying services for indigent inmates; (3) defendants had failed to show that there were adequate bed spaces available at the prison units with libraries for inmates seeking short-term transfers to use those libraries; and (4) the policy of limiting access to the libraries for inmates on disciplinary segregation was impermissible.

On remand, an evidentiary hearing was held and on April 18, 1983 this court concluded that the state successfully had implemented its plan and dismissed the action. Plaintiffs again appealed and the Court of Appeals affirmed that decision in part, vacated in part, and remanded the action for further proceedings. *Harrington v. Holshouser*, 741 F.2d 66 (4th Cir. 1984). The court found that the defendants had adequately provided bed space for inmates who needed to be transported from prisons without library facilities, and affirmed this court's decision on that issue. *Id.* at 69.

With respect to the question of library use by segregated inmates, the state's regulations provide that requests for law library use are divided into two categories, the first being those made by inmates with legal deadlines to meet and the second being those without deadlines. Inmates serving on disciplinary segregation are only permitted to use the law library if they have made a Category I request. However, at the time this action was appealed,¹ 5 N.C.A.C. 2B.0205 provided that inmates could serve only fifteen days in a row on disciplinary segregation and were entitled to a forty-eight hour release from segregation at the end of each fifteen-day period. Therefore, those inmates with Category II requests would have to wait a maximum of fifteen days before being permitted to use the law library. The Court of Appeals concluded that this length of time was constitutionally acceptable, and affirmed this court's ruling on that issue. *Id.* at 68-69.

However, the Court of Appeals reversed as to the issues of free copying for indigents and the use of inmate paralegals. With respect to the former issue, the court found that the state had not provided any information about the availability or the use of copy machines by any prisoners. Thus, they concluded,

¹Those regulations have been changed and are the subject of plaintiffs' motion for partial summary judgment, discussed *infra* at pages 9-10.

the issue must be remanded to the district court to assess whether the state's policies are in accord with its plan. *Id.* at 69.

The Court of Appeals also found that the state had failed to show that it had staffed the law libraries with trained inmate paralegals, as required by the plan. Hence, this court must determine whether, in the interim, the state has begun adequate training programs for inmate paralegals and whether it has placed those paralegals in the law libraries to assist other inmates. *Id.* at 69-70.

Finally, the Court of Appeals noted that defendants' answers to interrogatories disclosed that only seventy-six percent of inmates requesting library use at Central Prison and sixty-four percent of those requesting use at Polk Youth Center had actually been scheduled for use. The court directed this court to make findings concerning requests that were not scheduled to determine whether the denials were justified. The court also directed this court to inquire into any other matters addressed by the parties or that it deems appropriate. *Id.* at 70.

MOTION FOR ATTORNEY'S FEES

Based on the outcome of their most recent appeal, plaintiffs have moved for an award of attorney's fees pursuant to 42 U.S.C. § 1988. They assert that they are the prevailing party even though they did not receive all of the relief they sought, since the principal issue on appeal was the training and placement of inmate paralegals. The court agrees. To be a prevailing party for purposes of awarding attorney's fees under Section 1988, a party need not prevail on all issues if a significant one is resolved in its favor. *Lotz Realty Company, Inc. v. United States Department of Housing and Urban Development*, 717 F.2d 929, 931 (4th Cir. 1983). Plaintiffs clearly prevailed on several significant issues before the Court of Appeals. Hence, they are entitled to a reasonable attorney's fee.

In determining the amount of attorney's fees to be awarded, the court is guided by twelve factors initially set out in

Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 716-719 (5th Cir. 1974), and adopted by the Fourth Circuit in *Barber v. Kimbrell's, Inc.*, 577 F.2d 216, 226 (4th Cir.), *cert. denied*, 439 U.S. 934 (1978). Those factors are: (1) the time and labor expended; (2) the novelty and difficulty of the questions raised; (3) the skill required to perform properly the legal services rendered; (4) the attorney's opportunity costs in pressing the instant litigation; (5) the customary fee for like work; (6) the attorneys' expectations at the outset of the litigation; (7) the time limitations imposed by the client or the circumstances; (8) the amount in controversy and the results obtained; (9) the experience, reputation and ability of the attorney; (10) the undesirability of the case within the legal community in which the suit arose; (11) the nature and length of the professional relationship between attorney and client; and (12) attorneys' fees awards in similar cases.

Plaintiffs' counsel asserts that he spent a total of 98.5 hours on the present appeal. The state does not challenge this assertion. Upon review of the record on appeal and accompanying materials the court concludes that counsel's estimation of his time spent on the appeal is reasonable.

The questions raised in this appeal were not novel, having already been discussed in prior appeals in this action. Likewise, counsel's skill for purposes of this appeal was not nearly so important as his tenacity. As far as the opportunity costs of pressing this appeal, counsel is a salaried professor at the University of North Carolina Law School, so his main source of income was not affected by this litigation. However, counsel's sole opportunity to receive attorney's fees is through Section 1988 since his clients are inmates with little or no income. His "expectations" did not include the possibility of a large contingent fee. Furthermore, the nature of his clients and of this action clearly make the case one of the least desirable imaginable. Counsel also has not received any compensation for his work on this case since May of 1979.

The nature and length of counsel's relationship with his clients also favors an award of fees. He has been involved in this case since the early 1970's, and has prosecuted his client's claims vigorously. His experience, reputation and ability in the field of prisoners' rights is well known.

Finally, although there is no "amount in controversy" at this stage of the litigation, the potential relief available to plaintiffs, in the form of increased legal services, is substantial. And although plaintiffs did not obtain complete relief in the Court of Appeals, they prevailed on several significant issues.

With respect to the customary fee for like work, the North Carolina Bar Association recently has conducted a survey regarding the hourly rate for attorneys based on their experience and location. This survey provides a helpful benchmark for determining the proper amount of attorney's fees to be awarded in these cases. According to the *Martindale-Hubbell Law Directory*, plaintiff's counsel received his license to practice law in 1966. As stated before, he is a professor at the University of North Carolina Law School in Chapel Hill and also practices there. According to the Bar Association survey, an attorney with his experience in his location would command an hourly rate of \$75.00.² Based on the other factors discussed hereinbefore, the court concludes that this is a reasonable rate. Therefore, plaintiff's counsel is entitled to attorney's fees in the amount of \$7,387.50.

Counsel also seeks an "upward adjustment" in this fee pursuant to *Blum v. Stenson*, ____ U.S. ____, 104 S.Ct. 1541 (1984), based on the difficulties he has faced in proceeding with the action and the fact that he has received little or no compensation for his representation since 1979. With respect to the difficulties counsel has faced, he cites the state's lack of cooperation in discovery and certain personal attacks by counsel for the state, increasing the pressure under which plaintiffs' counsel has had to work. However, while there is support in the record for both of counsel's contentions, those

²As one of the factors in the survey was law firm size, which is inapplicable in Mr. Nakell's case, the court averaged this amount from the amounts awarded an attorney in a law firm with five to nine members and one with ten to nineteen members. See *North Carolina Bar Association Survey 1984*, p. 17.

factors do not warrant the kind of upward adjustment discussed in *Blum v. Stenson*. Counsel has failed to offer specific evidence to show either that the quality of service rendered was superior to what one reasonably should expect in light of the hourly rates charged or that plaintiffs' success on appeal was exceptional. *Id.*, 104 S.Ct. at 1549. The quality of counsel's representation is reflected in the hourly rate awarded, and plaintiffs' success on appeal was only partial. Therefore, the court declines to grant counsel any upward adjustment on that base sum.

Accordingly, defendants are hereby ordered, pursuant to 42 U.S.C. § 1988, to pay plaintiffs' counsel attorney's fees in the amount of \$7,387.50.

MOTION FOR PARTIAL SUMMARY JUDGMENT

As stated before, one of the issues on appeal was whether inmates on disciplinary segregation could be denied access to the law library when they had no legal deadlines to meet. The Court of Appeals held that since 5 N.C.A.C. 2B.0205 required the Department of Correction to release inmates for forty-eight hours after each fifteen-day term, those inmates could be denied access for at most fifteen days, and that this delay was reasonable.

However, while the action was pending before the Court of Appeals, the Department changed its regulations regarding the length of time an inmate may serve on disciplinary segregation. Inmates now may receive consecutive terms in disciplinary segregation for a maximum of thirty days without any interval between them. 5 N.C.A.C. 2B.0205. Hence, an inmate may have to wait as long as thirty days before his Category II request for law library use is allowed.

Plaintiffs have moved for partial summary judgment on this issue, requesting the court to find that the state is not in compliance with its constitutional obligation to provide inmates on disciplinary segregation with meaningful access to the courts, and requiring defendants to submit a plan which will bring it into compliance. As with the other motions before

the court, the state has offered no response.

Plaintiffs' motion will be allowed. While a fifteen-day delay between law library appointments is constitutionally reasonable, a thirty-day delay is not. Accordingly, the state is ordered to submit, within thirty days, its plan for providing inmates on disciplinary segregation with reasonable access to prison law libraries. Plaintiffs will then have thirty days to respond to the proposed plan.

MOTION TO COMPEL COMPLIANCE

The Court of Appeals remanded this action to give the state the opportunity to show that it is in compliance with its plan regarding training and use of inmate paralegals, free use of copying machines by indigent inmates, and the availability of prison law libraries in light of the large number of requests which have been denied. Since remand, the state has moved this court to compel defendants to comply with the mandate of the Court of Appeals and come forth with evidence showing that the state is or will shortly be in compliance with its plan. The motion will be allowed. Defendants are ordered to file within thirty days all materials which they contend show that the concerns expressed by the Court of Appeals have been alleviated and that they have met their burden of providing all inmates with constitutionally adequate law library facilities. Again, plaintiffs will be given thirty days from the receipt of these materials to provide any comments, objections or suggestions which they deem appropriate.

SUMMARY

In summary, it is hereby

ORDERED that:

1. Defendants pay plaintiffs' counsel the sum of \$7,387.50 as attorney's fees pursuant to 42 U.S.C. § 1988;

2. Plaintiffs' motion for partial summary judgment be granted and defendants submit within thirty days a plan for providing reasonable law library access to those inmates on disciplinary segregation;

3. Plaintiffs' motion to compel compliance be granted and that defendants submit, within thirty days, any materials which they contend show that they are or shortly will be in compliance with their plan. Plaintiffs will be given thirty days from the date they receive these materials to respond. Should disputed issues of fact arise, an evidentiary hearing will be scheduled.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

December 21, 1984.

I certify the foregoing to be a true and correct copy of the original.

J. Rich Leonard, Clerk
United States District
Court Eastern District of
North Carolina

/S/By Lorita K. Pinnix
Deputy Clerk

APPENDIX J
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)
 Plaintiffs)
VS.) NO. 3052 CIVIL
) RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)
 Defendants)

DONALD W. MORGAN, et al.,)
 Plaintiffs)
VS.) NO. 4277 CIVIL
) RALEIGH DIVISION
R. L. TURNER,)
 Defendant)

JOHN HARRINGTON, et al.,)
 Plaintiffs)
VS.) NO. 790 CIVIL
) WASHINGTON
) DIVISION
JAMES HOLSHOUSER, et al.,)
 Defendants)

ORDER

In accordance with the opinion entered this day, it is hereby
ORDERED that:

1. The defendants are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts;

2. The only way to insure that inmates do receive meaningful access to the courts is to require defendants to provide

them, in some form, with the assistance of counsel;

3. The parties are hereby directed to submit, within sixty days from the date of this order, their proposed plans for insuring that inmates do receive adequate legal assistance. As soon as a new plan is adopted by the court and in place, it will supplant the plan currently in existence.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

May 14, 1985.

I certify the foregoing to be a true and correct copy of the original.

D.J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By J. Ronald Jones, Jr.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

ROBERT (BOBBY) SMITH, et al.,)
Plaintiffs)

VS.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)
Defendants)

DONALD W. MORGAN, et al.,)
Plaintiffs)

VS.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)
Defendant)

JOHN HARRINGTON, et al.,)
Plaintiffs)

VS.

NO. 790 CIVIL
WASHINGTON
DIVISION

JAMES HOLSHOUSER, et al.,)
Defendants)

OPINION

In the early 1970's, plaintiffs brought these actions challenging the adequacy of the North Carolina Department of Correction's legal research facilities. The cases were consolidated and in 1974, Judge Larkins granted plaintiffs' motion for summary judgment, ordering the state to submit either a plan to provide inmates with adequate library facilities or some reasonable alternative plan. The state submitted a plan which was separated into three components. First, the state would establish regional law libraries in prisons across the state.

Second, the state would develop procedures for their use by inmates. And third, the state would train inmate paralegals to staff each of the libraries. This plan was approved by Judge Larkins, who also ordered the state to file upon implementation of the plan a Certificate of Compliance. Judge Larkins' order was affirmed by the Fourth Circuit Court of Appeals, *Smith v. Bounds*, 538 F.2d 541 (4th Cir. 1975), and by the Supreme Court, *Bounds v. Smith*, 430 U.S. 817 (1977). The Supreme Court specifically held

that the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law.

Id. at 828.

At the time he entered his 1974 order, Judge Larkins directed the state to implement its plan within 120 days. However, the state made no effort to advise the court of its progress until June of 1978, more than a year after the Supreme Court's decision, when it sent Judge Larkins a letter informing him that all of the law libraries were in place and new regulations had been adopted regarding their use. In reliance on that letter, the court dismissed these actions. After plaintiffs protested this action, the state filed on November 1, 1978 a Certificate of Compliance raising essentially the same contentions as in its letter and asserting that it accordingly was in full compliance with its plan. Pursuant to the court's order, the state subsequently purchased copies of a legal research book for its eleven core libraries and filed another Certificate of Compliance asserting that it was in full compliance with the court's 1974 order, as modified.

On appeal, the Court of Appeals vacated the district court's order, *Harrington v. Holshouser*, 598 F.2d 614 (4th Cir. 1979) (unpublished) (*Harrington I*), concluding that the burden was on the state to show compliance with all aspects of the plan. Specifically, the Court of Appeals ordered this court to consider plaintiffs' claims that: (1) defendants had failed to

comply with the requirements that there be a trained inmate paralegal at each library; (2) they had failed to provide any information regarding free copying services for indigent inmates; (3) defendants had failed to show that there were adequate bed spaces available at the prison units with libraries for inmates seeking short-term transfers to use those libraries; and (4) the policy of limiting access to the libraries for inmates on disciplinary segregation was impermissible.

On remand, the action was referred to Magistrate Logan Howell for further proceedings. When Magistrate Howell became ill, the case was withdrawn from his docket and eventually transferred to the undersigned. During this period, plaintiffs sought to monitor the state's progress and insure implementation of its plan by propounding interrogatories and requests for production. They filed their first set of interrogatories on July 26, 1979. Having heard nothing after three months, plaintiffs filed a motion to compel. Defendants then filed a motion for extension of time until November 1, 1979 to answer, which motion was granted by the court. However, that date passed with no answers or objections being filed. Plaintiffs then sought a hearing on the motion, and one was set for June 3, 1980. On May 29, 1980, five days before the hearing was to be held, defendants filed their answers to plaintiff's interrogatories. No explanation was given for the state's failure to respond earlier. Furthermore, the answers were contained in an affidavit submitted by W. L. Kautzky, then deputy director of the Division of Prisons. The affidavit was dated November 6, 1979, almost six months before the answers were filed and served on the plaintiffs. Again, no reason was given for this delay.

A similar delay occurred with respect to plaintiffs' fourth set of interrogatories, served September 9, 1982. The state did not offer any response whatsoever until the court granted plaintiffs' unopposed motion to compel on December 1, 1982. On December 9, they filed a motion to extend time to answer until January 15, 1983, which motion was granted. Defendants subsequently filed their answers on January 11.

The case proceeded in this manner throughout. For exam-

ple, on February 17, 1981, defendants were directed to submit within ninety days a statement of the means by which they would promptly comply with their obligation to train inmate paralegals. They were further ordered to file within thirty days a profile of the actual operation of Department of Correction Regulation 5 N.C.A.C. 2G.0203 regarding the limited use of law library facilities by inmates on disciplinary segregation. On May 8, 1981, defendants asked for and received an extension of time to respond until August 7, 1981. Their response was filed on that date, and consisted of affidavits of two Department of Correction employees regarding the implementation of the inmate paralegal training program and the use of law library facilities by inmates serving on disciplinary segregation.

The parties continued to conduct discovery, and on January 28, 1982 plaintiffs filed a "Motion for an Order that Defendants Comply with Their Plan." The state did not respond to the motion until May 3, 1982, two weeks after the court had issued an order directing defendants to show cause within ten days why plaintiffs' motion should not be granted. In that response, defendants basically summarized their previous filings. With respect to the inmate paralegal training program, no mention was made as to whether that program had actually been instituted. Consequently, the court entered an order on May 7, 1982 directing the parties to submit within thirty days satisfactory alternatives to (1) the program schedules for the training of paralegals, (2) the bed space requirement to library access by inmates from non-library units and (3) library access for inmates on disciplinary segregation who did not have legal deadlines. Plaintiffs filed their response on May 28, 1982. Defendants did not respond to the order until September 3, 1982, when a hearing was held before this court. At the conclusion of the hearing, the court ordered the state to file a statement detailing its efforts to comply with each provision of its plan. Defendants did so, and based on that statement, the court dismissed the action.

Plaintiffs again appealed and the Court of Appeals affirmed this court's decision in part, vacated it in part, and remanded the action for further proceedings. *Harrington v. Holshouser*,

741 F.2d 66 (4th Cir. 1984) (*Harrington II*). The court found that the defendants had adequately provided bed space for inmates who needed to be transported from prisons without library facilities, and affirmed this court's decision on that issue. *Id.* at 69.

With respect to the question of library use by segregated inmates, the state's regulations provide that requests for law library use are divided into two categories, the first being those made by inmates with legal deadlines to meet and the second being those without deadlines. Inmates serving on disciplinary segregation were, until recently, only permitted to use the law library if they made a Category I request. However, at the time this action was appealed, 5 N.C.A.C. 2B.0205 provided that inmates could serve only fifteen days in a row on disciplinary segregation and were entitled to a forty-eight hour release from segregation at the end of each fifteen-day period. Therefore, those inmates with Category II requests would have to wait a maximum of fifteen days before being permitted to use the law library. The Court of Appeals concluded that this length of time was constitutionally acceptable, and affirmed this court's ruling on that issue. *Id.* at 68-69.

However, the Court of Appeals reversed as to the issues of free copying for indigents and the use of inmate paralegals. With respect to the former issue, the court found that the state had not provided any information about the availability or the use of copy machines by any prisoners. Thus, they concluded, the issue must be remanded to the district court to assess whether the policies are in accord with its plan. *Id.* at 69.

The Court of Appeals also found that the state had failed to show that it had staffed the law libraries with trained inmate paralegals, as required by the plan. Hence, this court was required to determine whether, in the interim, the state had begun adequate training programs for inmate paralegals and whether it had placed those paralegals in the law libraries to assist other inmates. *Id.* at 69-70.

Finally, the Court of Appeals noted that defendants' answers to interrogatories disclosed that only seventy-six

percent of inmates requesting library use at Central Prison and sixty-four percent of those requesting use at Polk Youth Center had actually been scheduled for use. The court directed this court to make findings concerning requests that were not scheduled to determine whether the denials were justified. The court also directed this court to inquire into any other matters addressed by the parties or that it deemed appropriate. *Id.* at 70.

The action was again remanded to this court, where the plaintiffs promptly filed motions for partial summary judgment and for an order compelling defendants to report on their obligation to provide inmates with adequate legal facilities. Defendants again failed to respond to the motions in any manner. The motion for partial summary judgment related to the question of law library access for inmates on disciplinary segregation who had no legal deadlines to meet. The Court of Appeals ruled that since 5 N.C.A.C. 2B.0205 required the Department of Correction to release inmates for forty-eight hours after each fifteen-day term, those inmates could be denied access for at most fifteen days, and that this delay was reasonable.

However, while the action was pending before the Court of Appeals, the Department changed its regulations regarding the length of time an inmate may serve on disciplinary segregation. Inmates now may receive consecutive terms in disciplinary segregation for a maximum of thirty days without any interval between them, 5 N.C.A.C. 2B.0205, thus requiring an inmate to wait as long as thirty days before his Category II request for law library use was allowed. Based on this change, plaintiffs' motion for summary judgment was granted on the grounds that a thirty-day delay between law library appointments was not constitutionally reasonable. The state was ordered to submit, within thirty days, its plan for providing inmates on disciplinary segregation with reasonable access to prison law libraries.

Plaintiffs' motion to compel compliance sought to have this court compel defendants to comply with the mandate of the Court of Appeals and come forward with evidence showing

that the state is or will shortly be in compliance with its plan regarding the training and use of inmate paralegals, the free use of copying machines by indigent inmates, and the availability of prison law libraries in light of the large number of requests which had been denied. This motion was allowed and defendants were ordered to file within thirty days all materials showing that they had met their burden of providing all inmates with constitutionally adequate law library facilities.

As with past orders, defendants filed no response. Plaintiffs consequently moved the court, on January 30, 1985, to issue its judgment finding that defendants are not in compliance with their constitutional obligations. The time for response has run, defendants again have not responded, and the motion accordingly is ripe for disposition.

With one exception, plaintiffs' motion will be granted. That exception involves the use of the law libraries by inmates on disciplinary segregation. In November of 1984, the Department of Correction amended its regulations regarding this issue.¹ 5 N.C.A.C. 2G.0203(d) now provides as follows:

(1) Inmates assigned to disciplinary segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

(2) After proper notice and hearing, an inmate who poses a threat of harm to the staff, or the law library facility can be denied permission for law library research while assigned to disciplinary segregation. Advance written notice on form DC-138 shall be given to an inmate if the question of restricted law library use is to be considered by the disciplinary committee. The notice shall advise the inmate that the disciplinary committee will hear evidence and make a recommendation to the Area Administrator, Institution Head, or their respective designees as to

¹It should be noted that defendants did not submit these amendments or even inform the court of their existence. The court receives a copy of the Department of Correction regulations and noted the changes when it received the amendments in the mail.

whether the inmate poses such a threat of harm as to require that he should not be released from segregation. Such notice must reasonably inform the inmate of the reasons why he poses a threat of harm to the law library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A record of the proceedings shall be maintained on form DC-138(c). The committee's recommendation shall be forwarded to the Area Administrator, Institution Head or their respective designees. The decision of the Area Administrator, Institution Head or designee must be based upon the record of the hearing.

The court concludes that this regulation insures that inmates confined to disciplinary segregation will have the same access to the law libraries as all other inmates. Therefore, the court must decline to grant plaintiffs' judgment with respect to this issue.

However, with respect to the remaining issues, that is, the availability of free photocopying of the legal materials of indigent inmates, the training and placement of inmate paralegals and the availability of prison law libraries to all inmates, plaintiffs' motion will be allowed. Defendants' plan for assuring adequate law library facilities has been in existence for over a decade, yet they have consistently failed to implement that plan in a constitutionally adequate manner. With respect to the availability of free copying services, the state has yet to show this court that it provides indigent inmates with the facilities to photocopy free of charge all materials required to be filed with the court. Upon independent research,² the court notes that the Department of Correction has amended its regulations regarding the use of

²See Footnote 1 *supra*, at page 9.

photocopying machines for legal materials. 5 N.C.A.C. 2G.0202(a) now provides, in pertinent part, that

All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

However, this provision does not permit indigent inmates free copies of other required filings, such as affidavits or memoranda. Therefore, it does not appear that the regulation as amended satisfies the state's obligations under its plan.

With respect to the use of inmate paralegals, the Court of Appeals' review in *Harrington II* of the state's efforts (or lack thereof) in this area is particularly illuminating.

The plan approved by the Supreme Court visualized inmates assigned to work in the libraries on a regular basis and "trained to the best extent possible" in legal research and assisting other inmates with research as an important component of the plan. A description of the State's efforts in this area since then is a chronology of failure. After several years of apparent inaction, the State conducted a single training session for paralegals in 1980; only two of thirty-one inmates staffing the library at that time had participated in that session. Two years later, only one more training session had been conducted for the State, this one by a professor of law at the University of North Carolina. After an unsuccessful attempt to find professionals at North Carolina Central University, Meredith College, and Campbell University to conduct the workshops, the State reported on October 1, 1982, that it had contracted with Durham Technical Institute to provide three five-day workshops annually. As we have observed earlier, the record before this court contains no indication that this proposed training program has even been undertaken let alone been successful.

741 F.2d at 69-70. More than two and one-half years after the state's October 1, 1982 report, there still is no indication that even one inmate ever took this training program.

The large number of law library requests which have been denied, for which the state has offered no explanation, further indicates that the state has been unable to meet the legal needs of its inmates. Accordingly, a separate order will be entered finding that defendants are not in compliance with their constitutional obligation to provide inmates of the North Carolina prisons with adequate assistance in their access to the courts.

Of course, such a determination will mean little unless some remedy is fashioned which will insure that inmates do receive adequate access to the courts. Plaintiff's counsel has maintained throughout the course of this litigation that the best method to insure such access would be to set up a prisoner legal services program or provide some other form of assistance of counsel. The court now concludes that due to the state's inability or unwillingness to implement its plan, plaintiffs' proposal should be adopted in some form.

This conclusion has not been reached lightly. In *Harrington II*, filed in August of 1984, the Court of Appeals specifically rejected this proposal. 741 F.2d at 70. However, at some point, it must be recognized that in some cases the best laid plans are doomed to fail. This is one such case. When such a failure occurs, it is the court's duty to find an acceptable alternative which will insure that inmates receive adequate access to the courts. The court concludes that the best alternative would be to provide them with some form of assistance from trained attorneys.

This conclusion should not come as a revelation to anyone. In *Bounds v. Smith*, the Supreme Court clearly expressed its preference for the use of some form of legal services program for inmates.

It should be noted that while adequate law libraries are one constitutionally acceptable method to assure meaningful access to the courts, our decision here, as in [*Younger v.*] *Gilmore*. [404 U.S. 15

(1971,] does not foreclose alternative means to achieve that goal. Nearly half the States and the District of Columbia provide some degree of professional or quasi-professional legal assistance to prisoners. Brief for Respondents, Ex. B. Such programs take many imaginative forms and may have a number of advantages over libraries alone. Among the alternatives are the training of inmates as paralegal assistants to work under lawyers' supervision, the use of paraprofessionals and law students, either as volunteers or in formal clinical programs, the organization of volunteer attorneys through bar associations or other groups, the hiring of lawyers on a part-time consultant basis, and the use of full-time staff attorneys, working either in new prison legal assistance organizations or as part of public defender or legal services offices. Legal services plans not only result in more efficient and skillful handling of prisoner cases, but also avoid the disciplinary problems associated with writ writers, see *Johnson v. Avery*, 393 U.S., at 488; *Procunier v. Martinez*, 416 U.S. 396, 421-422 (1974). Independent legal advisors can mediate or resolve administratively many prisoner complaints that would otherwise burden the courts, and can convince inmates that other grievances against the prison or the legal system are ill-founded, thereby facilitating rehabilitation by assuring the inmate that he has not been treated unfairly. It has been estimated that as few as 500 full time lawyers would be needed to serve the legal needs of the entire national prison population.

430 U.S. at 830-32 (footnotes omitted).

Furthermore, this court is not the first to conclude that a state's law library system did not provide inmates with meaningful access to the courts and consequently directed a state to devise a plan providing for the assistance of counsel. In *Hooks v. Wainwright*, 536 F.Supp. 1330, 1341 (M.D.Fla.

1982), *appeal dismissed*, No. 82-5500 (11th Cir., Sept. 8, 1983). Senior District Judge Charles R. Scott held "that meaningful access to the courts on behalf of Florida's prisoners can be realized only through the assistance of attorneys, in one form or another." *See also Canterino v. Wilson*, 562 F.Supp. 106 (W.D.Ken. 1983). Judge Scott concluded that defendant's law library plan did not meet the requirements of *Bounds v. Smith* due to the following four grounds. First, the inmate paralegal program did not provide prisoners with adequate legal assistance.

The principal deficiency of the inmate law clerk plan . . . is that . . . it casts, with official sanction, laymen in the role of lawyers. While recognizing that the defendant's inmate law clerks serve a useful purpose, the plain and simple truth of the matter is that they are not qualified to function as lawyers. They are only law library assistants. The mere thought that a 30-hour "How To" course in legal research transforms an otherwise uneducated and untrained prisoner into someone capable of understanding and formulating meaningful legal reasoning is ludicrous.

536 F.Supp. at 1347 (footnote omitted).

Judge Clark also pointed out that inmate litigants and paralegals are unable to utilize outside resources to any meaningful degree, such as investigating cases or interviewing witnesses. *Id.* at 1348. Finally, Judge Clark noted that inmate law clerks might be unwilling to really "go to the mat" for a fellow inmate whose claim they thought meritorious for fear of jeopardizing their coveted position. *Id.* at 1348-49. All of these arguments apply in this case as well, especially where defendants have shown their inability to provide an adequate inmate paralegal training program.

Judge Clark's second observation was that the high degree of illiteracy among Florida's inmates³ made it virtually

³"[R]oughly half of Florida's inmates read at or below the seventh grade level. The typical inmate has a below average IQ, while twenty-two percent . . . of the prisoners have an IQ of less than 80, i.e., at or below the level that would be considered borderline retarded." *Id.* at 1343.

impossible for them to conduct meaningful research. *Id.* at 1341. Defendants' answers to plaintiff's interrogatories indicate that the level of illiteracy in North Carolina is just as great or greater than in Florida. The number of inmates who are achieving at or below seventh grade level is approximately seventy-five percent. The typical North Carolina inmate also has a below normal IQ, with twenty-nine per cent at dull normal or below and 11.4 percent at borderline retarded or below. One of the major reasons for initially requiring trained inmate paralegals in the state's original plan was to provide some minimal assurance that illiterate inmates would have some assistance in pursuing their legal claims. The state's total failure to develop an adequate training program has left these inmates to their own devices. Such action clearly denies illiterate inmates their constitutional right to meaningful access to the courts.

The third ground for finding that Florida's law library plan did not meet the requirements of *Bounds v. Smith* was that inmates housed in administrative confinement were not permitted to use the law library but were required to request specific legal materials from their cells. *Id.* at 1341. Thus, inmates on segregation were denied meaningful access to the court. See *Williams v. Leeke*, 584 F.2d 1336 (4th Cir. 1978), *cert. denied*, 442 U.S. 911 (1979). Prior to the amendments in the Department of Correction regulations discussed *supra* at pages 9-11, North Carolina inmates on disciplinary segregation also were denied meaningful access, because they might have to wait as long as thirty days before being permitted to use the law library. However, with the recent changes, they may use the law library on substantially the same basis as other inmates. Therefore, the third factor cited by Judge Clark is not a problem in North Carolina and accordingly is no longer at issue in this case.

The fourth and final factor indicating the inadequacy of Florida's law library system dealt with the large number and wide geographic dispersal of its correctional facilities, which made it difficult if not impossible to guarantee all inmates physical access to law libraries. 536 F.Supp. at 1343. This problem was addressed by the Fourth Circuit Court of

Appeals in *Harrington II* when it directed this court to inquire regarding answers to interrogatories showing "that only 76 percent of the inmates requesting library use at Central Prison, and 64 percent of those requesting use at Polk Youth Center, were scheduled for use." 741 F.2d at 70. The court attempted to make that inquiry in the December, 1984 order, but defendants failed to respond to that order in any fashion. Therefore, it must be concluded that inmates in North Carolina's prisons are not receiving adequate physical access to the prison law libraries to meet their legitimate legal research needs.

Thus, except for the issue of library access by inmates on disciplinary segregation, North Carolina's prison law library system suffers from the same inadequacies as Florida's system.⁴ Furthermore, Judge Clark's first, second and fourth grounds for deciding against the implementation of law libraries, all of which are present in North Carolina, clearly have a greater impact than the third factor, since they affect a much greater number of inmates. It should also be noted that Judge Clark found Florida's proposed law library plan inadequate *prior* to its implementation. North Carolina's law library system, which has been in operation for over ten years, has *proven* itself inadequate to assure inmates meaningful access to the courts.

Finally, the court would like to reemphasize some of the findings by the Supreme Court in *Bounds v. Smith* regarding the efficacy of giving inmates the opportunity to consult attorneys. Inmates raise many complaints relating to their confinement which do not raise constitutional grounds and which consequently are dismissed by the courts. These complaints waste a great deal of the courts', the state's and indeed, the inmates' time. The opportunity to consult with a disinterested outsider with knowledge of their legal rights clearly will ease the frustration many inmates feel, even where they do not receive all the relief they would like. Furthermore,

⁴These factors were also discussed in *Canterino v. Wilson, supra*, where Judge Edward H. Johnstone of the Western District of Kentucky ruled that the state should provide female inmates with the assistance of counsel because, unlike the male prison population in general, they did not have a history of self-help in the legal field and until recently had little access to adequate legal resources. 562 F.Supp. at 112.

the introduction of attorneys should help curb if not eliminate the abuse of courts' time by writ writers, who often will file a totally frivolous lawsuit for another inmate for a fee or will bring an action in their own name in the hope of receiving a free trip to the court to escape prison life for a day. Finally, the institution of a comprehensive plan which includes the use of attorneys will insure that those inmates' claims which do have merit will receive full and fair consideration, that settlement of these claims will become a real possibility, and that if they do reach the trial stage, they will not be hampered by the inmates' lack of knowledge and education.

During the course of this opinion, reference has been made to the adoption of some form of legal services plan. The court does not intend to indicate, at this time, that a particular plan should or should not be adopted. As the Supreme Court said in *Bounds v. Smith*, there are a number of alternatives. To insure all alternatives are considered, counsel for both sides will be directed to submit, within sixty days, a new plan which provides, in some form, for the assistance of licensed counsel.⁵ Defendants' current plan shall continue to be in effect in the interim, but as soon as the new plan is submitted, approved by the court, and in place it will supplant the law library plan currently in existence.

In 1974, the North Carolina Department of Correction was ordered to develop and implement a plan to guarantee its inmates meaningful access to the courts. The plan developed involved the institution and use of prison law libraries, which was expressly approved by the Supreme Court in *Bounds v. Smith* if the plan was properly implemented. However, eleven years after the court's order, the state has failed to implement the plan. It has proven itself unable or unwilling to insure that its law libraries are constitutionally adequate to meet its inmates' needs. Therefore, some alternative method must be found. For the reasons set out hereinbefore, the court today concludes that the method must include, in some form, the

⁵Defendants are hereby placed on notice that the court will not tolerate any failure to respond to this order.

assistance of counsel.

An order will be entered in accordance with this opinion.

/S/F.T. Dupree, Jr.
F.T. DUPREE, JR.
UNITED STATES
DISTRICT JUDGE

May 14, 1985

I certify the foregoing to be a
true and correct copy of the
original.

J. Rich Leonard, Clerk
United States District
Court
Eastern District of North
Carolina

/S/By J. Ronald Jones, Jr.

APPENDIX K

**STATE OF NORTH CAROLINA
Department of Justice**

P.O. Box 629
RALEIGH
27602-0629

**LACY H. THORNBURG
ATTORNEY GENERAL**

May 29, 1985

The Honorable Franklin T. Dupree, Jr.
United States District Judge
Eastern District of North Carolina
Post Office Box 25670
Raleigh, North Carolina 27611

RE: SMITH v. BOUNDS, Civil No. 3052

Dear Judge Dupree:

I am succeeding Jacob L. Safron as counsel of record for the Department of Correction in the above-referenced matter. The Department of Correction plans to file a Motion for Reconsideration pursuant to F.R.Civ.P., Rule 60(b). The Department of Correction is in the process of gathering information which, I believe, will prove them to be in substantial compliance with the law library plan approved by the United States Supreme Court as to use, photocopying and trained paralegals. As soon as this information can be assembled, a Motion for Reconsideration will be filed, hopefully no later than June 14, 1985.

ST:fm

cc: Barry Nakell

bcc: Andrew Vanore
Ben Irons
Barbara Shaw

Sincerely,
LACY H. THORNBURG
Attorney General

/S/
Sylvia Thibaut
Associate Attorney General

APPENDIX L

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)
Plaintiffs)

v.

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS, et al.,)
Defendants)

DONALD W. MORGAN, et al.,)
Plaintiffs)

V.

NO. 4277 CIVIL
RALEIGH DIVISION

R. L. TURNER,)
Defendant)

JOHN HARRINGTON, et al.,)
Plaintiffs)

V.

) NO. 790 CIVIL
) WASHINGTON
) DIVISION

JAMES HOLSHOUSER, et al.,)
Defendants)

MOTION FOR RECONSIDERATION
(Federal Rules of Civil Procedure, Rule 60(b))

NOW COME the defendants, by Lacy H. Thornburg, Attorney General of the State of North Carolina, and Sylvia Thibaut, Associate Attorney General, who move the Court to reconsider its Order entered May 14, 1985 directing the defendants to come forward with an alternative method.

including the assistance of counsel, for providing inmates access to the courts. This Motion is made upon the grounds set forth in the defendant's accompanying Memorandum of Law, which is incorporated by reference, and to which this Court is respectfully referred.

This the 13th day of June, 1985.

LACY H. THORNBURG
Attorney General

/S/

Sylvia Thibaut
Associate Attorney General
N.C. Department of Justice
Post Office Box 629
Raleigh, North Carolina
27602
Telephone: (919) 733-7387
ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing document, Motion for Reconsideration (Federal Rules of Civil Procedure, Rule 60(b)), by depositing same in the United States Mail, postage prepaid, addressed to:

Mr. Barry Nakell
Professor of Law
The University of North
Carolina at Chapel Hill
Van Hecke-Wettach Hall
064A
Chapel Hill, North Carolina
27514

This the 13th day of June,
1985.

/S/

Sylvia Thibaut
Associate Attorney General

APPENDIX M

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,) <i>Plaintiffs</i>))	
v.	)	NO. 3052 CIVIL
	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,) <i>Defendants</i>)		

DONALD W. MORGAN, et al.,) <i>Plaintiffs</i>))	
v.	)	NO. 4277 CIVIL
	)	RALEIGH DIVISION
)	
R. L. TURNER,) <i>Defendant</i>)		

JOHN HARRINGTON, et al.,) <i>Plaintiffs</i>))	
v.	)	NO. 790 CIVIL
	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,) <i>Defendants</i>)		

I, JACOB L. SAFRON, being first duly sworn, do depose and say:

That I am a licensed attorney employed by the North Carolina Department of Justice as a Special Deputy Attorney General in the Education and Correction Section of the Attorney General's Office. I have been a member of the North Carolina Attorney General's staff for seventeen (17) years. One of my main responsibilities throughout the years has been to defend the State of North Carolina when it or its employees have been sued by North Carolina state prisoners.

In 1972 and 1973 several inmates, including Inmate Smith, filed civil actions alleging a denial of access to the courts. These cases were consolidated under SMITH v. BOUNDS, and have been on-going for thirteen (13) years. I have been counsel of record in these consolidated cases from the time each was originally filed until May 15, 1985. The Court is familiar with the procedural history of this civil action. My files alone consist of five (5) large boxes of pleadings, briefs and exhibits, as well as a full file cabinet.

This matter has been dismissed twice, by two different United States District Court Judges, has been to the United States Supreme Court, has been to the Fourth Circuit four times and in the United States District Courts numerous times. I have filed innumerable motions, briefs and certificates of compliance in this case. The Courts have decided, including the United States Supreme Court, that attorney assistance to inmate litigants is not constitutionally mandated.

I admittedly failed to respond to this Court's December 21, 1984 Order. I realize that this failure to respond was a neglect of my duties and I offer the Court my abject apologies for my omission. This omission was not authorized by my superior, Attorney General Lacy H. Thornburg, nor was it countenanced by him, or any member of his staff.

I deeply regret my failure to respond to the Court's December 21, 1984 Order and request that it will not be held against my clients, who actively prepared answers for the Court's December Order.

Respectfully submitted this 4th day of June, 1985.

Sworn to and subscribed
before me this 4th day of
June, 1985.

/S/
JACOB L. SAFRON,
AFFIANT

/S/
Judith E. Smith
Notary Public
My Commission expires:
7/26/86

APPENDIX N

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
v.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
v.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
v.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

I, LACY H. THORNBURG, being first duly sworn, do depose and say:

That I am the Attorney General for the State of North Carolina. I was sworn into office on January 5, 1985. There are 124 attorneys on my staff who are responsible for representation of the State of North Carolina and its citizens. Although all of my staff attorneys are under my supervision, almost none of them are under my direct supervision, and obviously I am unable to supervise every case each of them handles in

their representation of the State of North Carolina.

On May 15, 1985 I became aware that Special Deputy Attorney General Jacob L. Safron had failed to respond to a December 21, 1984 Order from The Honorable United States District Court Judge Franklin T. Dupree, Jr. in the case of SMITH v. BOUNDS. Although Mr. Safron during his 17 years with the Attorney General's Office has had an unblemished record in handling similar civil litigation, this was a neglect of duty on his part and was neither directed nor countenanced by me or any member of my staff. As I had no prior knowledge of Judge Dupree's December 21, 1984 Order, I could not have avoided the failure to reply to it.

I respectfully urge the Court not to penalize the State for an unauthorized act done by one of its attorneys.

Respectfully submitted this 4th day of June, 1985.

/S/

LACY H. THORNBURG
ATTORNEY GENERAL OF
NORTH CAROLINA

Sworn to and subscribed before me this 4th day of June, 1985.

/S/

Judith E. Smith
Notary Public
My Commission expires:
7/26/86

APPENDIX O

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 3052 CIVIL
v.	)	RALEIGH DIVISION
)	
VERNON LEE BOUNDS, et al.,)	
<i>Defendants</i>)	

DONALD W. MORGAN, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 4277 CIVIL
v.	)	RALEIGH DIVISION
)	
R. L. TURNER,)	
<i>Defendant</i>)	

JOHN HARRINGTON, et al.,)	
<i>Plaintiffs</i>)	
	)	NO. 790 CIVIL
v.	)	WASHINGTON
	)	DIVISION
JAMES HOLSHOUSER, et al.,)	
<i>Defendants</i>)	

I, BARBARA A. SHAW, being first duly sworn, do depose and say:

That I am a licensed attorney employed by the North Carolina Department of Correction as a staff attorney. One of my responsibilities is to gather evidentiary material and draft affidavits for the use of the attorneys in the Corrections Section of the Attorney General's Office whenever prisoners file civil actions against the Department of Correction or its employees. Another of my responsibilities is to revise old

departmental policies and draft new ones as needed per the instructions of the Secretary of Correction and his senior attorney. I began employment with the Department of Correction in November of 1983.

I was assigned to assist the Attorney General's Office in the case of *BOUNDS v. SMITH*, subsequent to the December 21, 1984 Order issued by The Honorable United States District Court Judge Franklin T. Dupree, Jr. I had, at the direction of my supervisor, revised some of the Department of Correction's fiscal policies for the Secretary's approval just prior to the issuance of that Order. One of those policies concerned free photocopies for inmates. That policy was changed, to become effective January 1, 1985, to allow an inmate free copies of all documents needed by the Court and one free copy for the inmate's files. The type document that could be copied was not restricted in any manner.

When the *BOUNDS* case was assigned to me, I was told that the attorney in the Corrections Section of the Attorney General's Office who would be counsel of record was Special Deputy Attorney General Jacob L. Safron. I discussed the case with my supervisor, Ben G. Irons, and began to gather materials to respond to the Court's Order. Mr. Irons gave me instructions on how to proceed. I contacted people throughout the Division of Prisons who were responsible for the management of the law libraries and the training of law library assistants. I received voluminous materials in response. I notified Mr. Safron that I had received all these materials and asked for instruction as to what he needed to respond to the December Order. He told me to carefully review the materials in preparation for a meeting with him. I did carefully review the materials, but he did not schedule a meeting.

I notified Mr. Safron of the earlier change in the Departmental policy concerning photocopies by way of an Office Memorandum dated December 28, 1984, a copy of which is attached hereto and marked as Exhibit A. I advised Mr. Safron in that Memorandum that, in accordance with my supervisor's instructions, I was revising the policy on use of law libraries by inmates on disciplinary segregation. I also advised him that I had requested further information for

preparation of this case and to contact me for any assistance he needed. He did not contact me.

I did revise the Departmental policy, which revision was reviewed by my supervisor and approved by the Secretary of the Department of Correction, concerning access to law libraries for inmates assigned to disciplinary segregation so as to conform to the Court's December 1984 Order. By Departmental Transmittal Slip, a copy of which is attached hereto and marked as Exhibit B, I sent a copy of this revised policy to Mr. Safron on January 14, 1985, asking him to call me about affidavits necessary for a response in the BOUNDS case. Mr. Safron did not respond.

During this same time period, December, 1984 and January, 1985, I saw Mr. Safron and also talked to him on the telephone and inquired about the status of the BOUNDS case. He told me that he had other pressing court deadlines and would get back to me. I can only state that I, and every person I contacted for assistance in the Division of Prisons, did comply with the Court's December, 1984 Order to the best of our ability. It was my impression, from speaking to Mr. Safron and from his failure to get back to me as to what he needed in the BOUNDS case, that he had taken care of the matter and did not need any further affidavits or information.

I am still in possession of the information I gathered in December of 1984 in preparation for response to the December Order. I have updated that information and, at the instruction of the present counsel of record in the BOUNDS case, affidavits will be presented showing that the Department of Correction is, and has been for some time, in compliance with the proposed law library plan approved by the United States Supreme Court.

Respectfully submitted this 10th day of June, 1985.

Sworn to and subscribed
before me this 10 day of
June, 1985.

/S/

Lillie M. Grissom
Notary Public

My Commission expires:
9-25-88

/S/

Barbara A. Shaw
BARBARA A. SHAW,
Affiant

EXHIBIT A

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

OFFICE MEMORANDUM

DATE: December 28, 1984

TO : Mr. Jack Safron
Special Assistant Attorney General

FROM : Barbara Shaw
Agency Legal Specialist

RE : *Harrington v. Holshouser* No. 83-6271

In response to the Order filed December 21, 1984 in the case of *Harrington v. Holshouser*, I am attaching hereto copies of policy which will take effect January 1, 1985. Both policies concern photocopies provided to inmates. The revised policy provides that all inmates, including indigent inmates, will be provided free of charge with the number of copies of the petition, the complaint and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. The policy further provides that no additional photocopying will be furnished.

5 NCAC 2G .0202 is part of the Division of Prisons' Policies and Procedures Manual. 1C FISCAL ADMINISTRATION .1100 is a part of the Departmental Rules Guidebook. I have marked the portion of the policy pertaining to photocopying in yellow.

I am in the process of revising the policies on the use of the law library by inmates in disciplinary segregation. I have also asked Lynn Phillips to provide me with the other evidentiary material ordered by the Court. I will forward this material to you as soon as I receive it. If I can be of further help, please do not hesitate to contact me.

BS/eh

Enclosures

ACCESS TO THE COURTS

5 NCAC 2G COURT RELATED PROCEDURES .0200

.0201 GENERAL

It is the policy of the Division of Prisons that every inmate will be allowed reasonable access to the courts. Inmates will not be penalized due to allegations against the Department or its employees presented in petitions and complaints.

History Note: Statutory Authority G.S. 148-11;
Effective February 1, 1976.

.0202 ACCESS PROCEDURE

(a) Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

(b) Notification Upon Service of Process. When a petition filed in federal court is actually served, copies will be provided for the office of the Secretary of Correction. Otherwise, no more copies of petitions or complaints will be filed. No copies of any petition or complaint may be retained in the unit jacket.

(c) Access to Legal Text. It is the policy of the Division of Prisons that all inmates in the State's prison system shall have reasonable access to legal materials and or a law library. Those inmates who are in segregated status and pose a threat to the library facility or its staff shall be provided legal materials upon request and/or other assistance as appropriate. Those inmates on disciplinary segregation shall be permitted to use the law library for Category I purposes only, (See rule .0203(c) below). All other inmates are eligible for and must be

provided reasonable access to legal materials and a law library in accordance with the provisions of this policy.

(d) Access to Assistance in Preparing for Litigation. Inmates must be allowed to assist other inmates in preparation of legal documents. The time, place and manner of such assistance are all subject to limitations due to custodial considerations, but no inmate may be denied reasonable access to assistance at the unit to which he is assigned. Inmates' assistants will be allowed to work on legal matters during weekends and evenings when security considerations permit. Inmate assistants will not be permitted to accept any compensation from other inmates for their work.

(e) Attorneys will be able to visit inmates consistent with Departmental policy. They must present proper credentials, and must be retained to represent the inmate in a matter pending or that may be pending before the court. The matter of fee for services rendered is a matter to be settled by the attorney and his inmate client.

(f) Notary publics will be made available to notarize legal papers at reasonable times.

(g) When an inmate appears in any court proceeding, either as a witness or party, he must wear civilian clothes. Discharge clothes will be provided for this purpose. An inmate may not wear matching grey, green, white, or brown shirt and pants, nor any prison-issued clothing to a court proceeding.

Note: This policy is mandated by N.C. General Statute 15-176. Failure to comply with the statute is a misdemeanor, punishable by fine, by imprisonment for a term not exceeding two years, or both.

History Note: Statutory Authority G.S. 148-11; 15-176;
Eff. February 1, 1976;
Amended Eff. January 1, 1985; June 1, 1984;
June 16, 1978.

.0203 ACCESS TO LEGAL MATERIALS AND LAW LIBRARIES

(a) Schedules for Law Library Use and Transfers.

(1) In order to coordinate the movement of the several thousand potential library users, and in order to insure that every inmate has a fair share of time in a law library, an inmate who wants to use a law library must make an appointment by using the DC-223.

(2) Since every unit in the State's prison system does not have a law library, it will be necessary to transfer inmates housed at a unit without such a facility to a unit with a law library. As long as bed space is available, transfers will be provided to all eligible inmates with due regard to present custody status or housing assignment.

(3) Area Administrators and Institution Heads shall coordinate the transfers and appointments. The coordination responsibility may be delegated to the Superintendent of the unit housing the law library.

(b) Inmate Requests.

(1) Inmates may request a photocopy of specified legal materials or request the use of the law library. The request for photocopy of legal materials or for use of the law library shall be made on the DC-223 and forwarded to the inmate's Superintendent. An inmate with permission to use the law library shall not be provided with photocopies of legal materials.

(2) If a determination has not been made that the inmate poses a threat to the library or its staff and if the inmate requests photocopies of a large volume of legal materials, the Superintendent may process such request as a request for law library use. The Superintendent will notify the inmate of this decision on the DC-223. If it has been

COPY MISSING

IC FISCAL ADMINISTRATION

.1100

.1101 PURPOSE

The purpose of this directive is to establish a uniform policy for furnishing certain items and services to inmates. Payments

for these items will be made from either canteen or operating funds and will be classified as either welfare or operating expenditures for reimbursement purposes. The charge code for operating expenses will be Code 2115—Indigent Inmate Expenses.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. July 1, 1976;
Amended Eff. January 1, 1985.

.1102 PROCEDURE FOR PROVISION OF ITEMS TO INDIGENT INMATES

(a) Purchase of Personal Hygiene Items. Every unit will have available to accommodate the needs of indigent inmates a sufficient supply of essential personal hygiene items to include toothbrushes, toothpaste, shampoo, shaving soap, razor blades, comb, deodorant, and any other items approved by the Director of Prisons or his designee as being deemed necessary for personal hygiene. These items will be purchased through the operating fund (Code 2115) by either a Local Purchase Authorization (DC-100) or a Purchase Order Request (DC-106).

(1) Eligibility. For an inmate to be eligible to receive free personal hygiene items, the following requirements are established:

(A) The inmate must not have any funds available in his trust fund account on the date of the request, and

(B) The inmate must not have received during the preceding thirty (30) days a total of ten dollars (\$10.00) from the trust fund account, incentive wages, work release personal expense funds or any source, and

(C) Personal hygiene items from other sources, such as private donors, must have been exhausted.

(2) Issuing. After meeting the requirements set forth in .1102(a)(1) the inmate will be eligible to receive personal hygiene items as deemed necessary by the officer in charge. Upon receiving the inmate's request, it will be the responsibil-

ity of the officer in charge to assure that the inmate's personal hygiene needs are met. Supporting documents for items issued will be maintained by each unit reflecting the name of issuing officer, items issued, date, and signature of receiving inmate.

(b) Purchase of Tobacco Products. Every unit with a Canteen Imprest Fund will order through the Central Welfare Fund as a division-wide standard expenditure enough packages of tobacco products, smoking and chewing, from the Central Warehouse to insure that an ample supply will be available to meet the needs of the indigent inmate population.

(1) Eligibility. For an inmate to be eligible for free tobacco products, he will meet the requirements established and outlined in .1102(a)(1)(A) and (B).

(2) Issuing. After meeting the established requirements, the inmates will be eligible to receive free tobacco products. Upon receiving the inmate's request, it will be the responsibility of the officer in charge to furnish tobacco products as needed.

(a) Purchase of Postage Stamps. Every unit will have available to accommodate the needs of indigent inmates a sufficient supply of postage stamps. These stamps shall be purchased through the operating fund by a DC-104 Requisition for a check to be made out to the U.S. Postal Service. The Indigent Inmate Expense Charge Code of 2115 will be used.

(1) Eligibility. In order for an inmate to be eligible for free postage stamps for personal mail, he will meet the requirements set forth in .1102(a)(1)(A) and (B).

(2) Issuing. After meeting the requirements established, the inmate will be eligible to receive free postage. The inmate will present his outgoing mail to an authorized employee for stamping and mailing. Supporting documentation for stamps issued will be maintained by each unit reflecting name of officer, number of stamps used, date and signature of receiving inmate.

(3) Limitations on Personal Mail. Free postage for inmate's personal mail will be limited to 15 first-class one

ounce letters per month.

(4) Mail to Attorneys, Courts, State and Federal Officials. Free postage for legal mail will be provided when the inmate has no funds in his trust fund account on the date of the request. No other eligibility requirements apply to postage for legal mail. The 15 letter limitation on personal mail does not apply to legal mail.

(5) General Information. For information concerning inmate use of mails, refer to 5 NCAC 2D .0300 Public Communications.

(d) Indigent Inmate Clothing. Every unit will make the necessary arrangements to ship home the personal clothing of those indigent inmates whose families have been unable to visit the inmate and pick up the clothing. The unit will write a check from the local Canteen Fund to the U.S. Postal Service or United Parcel Service as needed. At the end of the month, the unit will submit the appropriate form with receipts attached to the Central Accounting Office requesting reimbursement from the Operating Fund. Charge Code 2115 to the Unit Canteen Fund.

(1) Eligibility. The eligibility requirement is set forth in .1102 (a)(1) (a) and (b).

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. July 1, 1976;
Amended Eff. January 1, 1985.

.1103 PROVISION OF ITEMS/SERVICES FOR ALL INMATES.

(a) Photocopy Service. It will be the responsibility of the unit head to approve inmate's request for the required number of copies of legal documents needed in court proceedings. Photocopy expenses will be covered by the Operating Fund.

(1) All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No

additional photocopying will be furnished.

(b) Inmate Stationary and Envelopes. Every unit will have available to meet the needs of all inmates a sufficient supply of stationary and envelopes. The stationary and envelopes shall be requested by a DC-104 Requisition from the Central Warehouse. Charge Code 2115 shall be used.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. January 1, 1985.

.1104 INVENTORY CONTROL

The necessary internal inventory control shall be established at each unit and institution for hygiene articles, tobacco, stamps, and inmate stationary. Supporting documents for items issued will reflect name of issuing officer, item issued, quantity used, date, and signature of receiving inmate.

History Note: Statutory Authority G.S. 148-5; 148-11;
Eff. January 1, 1985.

5 NCAC 2G .0203 has been amended to read as follows:

DEPARTMENT OF CORRECTION

— EXHIBIT B —

TRANSMITTAL SLIP

DATE

1/14/85

TO:

Jack Safian

FROM:

B Shaw

ACTION

- | | |
|---|--|
| <input type="checkbox"/> NOTE AND FILE | <input type="checkbox"/> PER OUR CONVERSATION |
| <input type="checkbox"/> NOTE AND RETURN TO ME | <input checked="" type="checkbox"/> PER YOUR REQUEST |
| <input type="checkbox"/> RETURN WITH MORE DETAILS | <input type="checkbox"/> FOR YOUR APPROVAL |
| <input type="checkbox"/> NOTE AND SEE ME ABOUT THIS | <input type="checkbox"/> FOR YOUR INFORMATION |
| <input type="checkbox"/> PLEASE ANSWER | <input type="checkbox"/> FOR YOUR COMMENTS |
| <input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE | <input type="checkbox"/> SIGNATURE |
| <input type="checkbox"/> TAKE APPROPRIATE ACTION | <input type="checkbox"/> INVESTIGATE AND REPORT |
| <input type="checkbox"/> FURNISH FACTS IN THIS MATTER | <input type="checkbox"/> FOR DISTRIBUTION - |

COMMENTS:

Q. filed the
attached today.

pls call me if
you want affidavits
in the Law Librarian
case.

**.0203 ACCESS TO LEGAL MATERIALS AND LAW
LIBRARIES**

(d) Inmates Assigned to Disciplinary Segregation

(1) Inmates assigned to disciplinary segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978;
Amended Eff. March 1, 1985.

APPENDIX P

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)

Plaintiffs)

VS.)

) NO. 3052 CIVIL
) RALEIGH DIVISION
)

VERNON LEE BOUNDS, et al.,)

Defendants)

DONALD W. MORGAN, et al.,)

Plaintiffs)

VS.)

) NO. 4277 CIVIL
) RALEIGH DIVISION
)

R. L. TURNER,)

Defendant)

JOHN HARRINGTON, et al.,)

Plaintiffs)

VS.)

) NO. 790
) WASHINGTON
) DIVISION

JAMES HOLSHOUSER, et al.,)

Defendants)

AFFIDAVIT

I, MICHAEL LAMM, being first duly sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, Division of Prisons, as a Correctional Lieutenant at Central Prison in Raleigh, North Carolina.

I am presently serving as Supervisor of the Central Prison

Law Libraries and have served in this capacity for approximately five years. As a supervisor, my overall responsibilities include supervising a correctional officer assigned to monitor the daily operations of the law libraries and insuring that the policies and guidelines set forth in the Division of Prisons Policies and Procedures Manual regarding inmates' access to the courts are followed. The routine operation of the law libraries at Central Prison is in compliance with the policy codified as 5 NCAC 2G.0201 through .0205.

My daily responsibilities involving the Central Prison law libraries are to review and approve all departmental forms DC-223, which are forms submitted by inmates requesting a law library appointment. In addition, I review and approve all requests submitted by inmates for photocopying of legal materials. It is my responsibility and customary practice to ensure that all inmates, upon written request, receive scheduled appointments in the law library. Once a scheduled appointment is set up for an inmate, the inmate is notified in writing by using a duplicate of form DC-223. The date and time of the appointment are written at the bottom of the duplicate DC-223. In addition, a correctional officer completes a schedule of inmate appointments for the law library. This schedule is posted on bulletin boards in all key areas of Central Prison. Therefore, when an inmate does not attend his scheduled law library appointment, it is only because he decided not to keep his scheduled appointment. At Central Prison, it is standard for inmates to be excused from work in order to attend law library appointments. On rare occasions, I have received a memorandum from a physician advising that an inmate not be allowed to use the law library because of a serious health problem. However, an inmate would not be denied access to the law library because of a health problem unless such written advice was received from a physician.

My objective in reviewing and approving the inmate requests for law library use is to ensure that security and control will be maintained. I make sure that when appointments are scheduled, the inmates are properly grouped in accordance with their custody status. For example, I do not allow an inmate confined under a safekeeping order to share a

scheduled law library appointment with an inmate confined under the sentence of death. (Eleven distinctive categories of inmates are currently housed at Central Prison). In addition, my review of the DC-223 forms provides a systematic means to control the number of inmates in the law library during any one period of time and allows inmates scheduled for use the opportunity to enjoy the full benefits of the law library.

Attached to this affidavit is a copy of the Law Library Yearly Statistics Report-B for the main law library and the maximum security law library at Central Prison for the year 1984, marked Exhibit C, and included as a part hereof. The main law library statistics for January, 1984 show that the main law library received 146 requests to use the library, no inmates from other prison facilities were transferred to Central Prison to use the law library, 146 inmates were given scheduled appointments, three of the requests were for category I use, 143 were for category II use, 24 inmates did not keep their appointments. The number of inmates who did not show up for a scheduled appointment amounted to sixteen percent of the total requests. Also in January, 1984, 65 requests were for photocopying and 157 requests were for legal forms. I am aware that the court has stated that "only 76% of inmates requesting library use at Central Prison had actually been scheduled for use". From a review of the law library records during the time in which I have been supervisor, I am not able to discover any such percentage of denials. As is shown on the 1984 law library yearly statistics report, the total requests are set out at the bottom of the report. The report shows that all inmates requesting use of the law library were scheduled for use. However, as I have explained in this affidavit sometimes inmates fail to show up for the scheduled appointment. This number of inmates is reflected in the column labelled "no show". To my knowledge inmates are not denied access to the law library at Central Prison. According to Division of Prisons policy codified as 5 NCAC 2G .0203(d) and (e) inmates confined to disciplinary segregation and inmates presently on or being reviewed for administrative segregation or maximum custody may be denied permission for law library research if a determination is made that the inmate poses a threat of harm

to the staff or the law library facility. The policy which provides for notice and hearing would be followed, if such an inmate requested a law library appointment.

The law library at Central Prison provides inmates with free photocopies of any document required by the courts. This includes any paperwriting which the inmate needs to pursue a legal case. Examples of documents which are photocopied at Central Prison are complaints, petitions, exhibits providing evidence in an inmate's case, legal letters, affidavits, briefs, legal memoranda, and divorce papers. Our procedure for free photocopying complies with Division of Prisons policy and procedure codified as 5 NCAC 2G .0202(a). The policy makes it clear that the provision of free photocopies is not dependent upon a showing of indigency by the inmate. Attached to this affidavit is an office memorandum written to me and maintained by me dated December 27, 1984, marked Exhibit D, and included as a part hereof.

This memorandum shows that 32,793 photocopies were provided free of charge to inmates at Central Prison library in 1984. An office memorandum addressed to me and maintained by me, dated December 27, 1984 is attached to this affidavit, marked Exhibit E, and included as a part hereof. This shows use of the law library at Central Prison for the year 1984, including notary requests and typing services. Also attached to this affidavit is an office memorandum sent to me and maintained by me dated April 25, 1985, marked Exhibit F, and included as a part hereof. Exhibit F shows that 429 inmates came into the law library in April 1985. A copy of an office memorandum addressed to me and maintained by me dated April 25, 1985, showing that 2,492 photocopies were provided to inmates free of charge in April, 1985, is attached to this affidavit, marked Exhibit G, and included as a part hereof.

The inmate clerks selected to work in the law libraries at Central Prison are chosen, because they have a desire to learn the necessary legal skills and apply these skills in helping other inmates with their legal needs. Prior to selection, the inmate's educational background is reviewed to determine if the inmate is capable of learning the legal skills needed to be a

clerk in the law library. The clerks have to project a knowledge of legal skills to the inmate population so that the population will accept their assistance. From 1981 to the present, I have helped coordinate approximately six legal workshops held at Central Prison. The five most recent legal workshops were conducted by instructors provided by Durham Technical Institute. At the workshops, inmate law clerks from prison facilities throughout the state participated. The forty hour workshop provided inmate clerks instruction in the basic legal research skills. During the workshops, the instructors also emphasized the various legal forms that are applicable to the needs of the inmate and the purpose of each form. Once the clerk is introduced to the basic research tools, through everyday exposure, the clerk will become more knowledgeable with specific areas of the law that concern the incarcerated individual. In my opinion, the clerks that are assigned to the Central Prison law libraries are skilled in the specific legal needs of the inmate population.

Four inmate clerks are assigned to the Central Prison law libraries. Each clerk is required to work forty hours per week. These clerks are supervised in order to maintain security and control. However, the institution staff does not restrict, censor, or monitor the legal work accomplished by the clerks assisting inmates using the law library or inmates working on their own legal work. The clerks are instructed to assist inmates as needed in the law library. If an inmate is not able to read or write, the clerks upon the verbal instructions of the inmate will draft any required legal documents and explain the writings to the inmate.

Currently, law library statistics show that when an inmate requests to use the main law library, his appointment will be scheduled within 1.9 days of request, and when an inmate requests to use the maximum law library, he will be scheduled within 5.9 days of request.

A copy of the schedule of inmate law library appointments for May 9, 1985 is attached to this affidavit, marked Exhibit H, and included as a part hereof. Exhibit H is provided as an example of how the law libraries are used five days a week.

The law libraries are open forty hours a week in compliance with Division of Prisons policy. Exhibit H does not indicate "free time" periods which are seven o'clock a.m. to eight o'clock a.m., twelve o'clock p.m. to twelve thirty p.m., and three thirty p.m. to four p.m., five days a week. This time is set aside for inmate use of the library for "spur of the moment" work such as obtaining a form, getting a form notarized, or looking up a case. This time is used on a "walk-in" basis, when the inmate comes into the law library, completes a DC-223 and the law librarian approves it immediately.

The goal of the administrators at Central Prison is to meet the legal needs of the inmate population and continue to improve the legal services offered in the law libraries.

This the 10 day of June, 1985.

/S/

Michael Lamm
Affiant

Sworn to and subscribed before me this the 10 day of June, 1985.

/S/

Lillie M. Grissom
Notary Public
My Commission Expires:
9-25-88

LAW LIBRARY YEARLY STATISTICS REPORT-B

NAME OF UNIT CENTRAL PRISON
NAME OF RESPONDENT OFFICER R.C. WEST
FULL LIBRARY XX CORE LIBRARY _____

JANUARY, 1984
TO
DECEMBER, 1984

MAIN LAW LIBRARY

Monthly	Monthly Number (inmates)			Category / No Show			Category II	
	This Unit	Transfers Unit	Total All	I	II	Number	%	
JANUARY	146	0	146	3	143	24	16	65 157
FEBRUARY	199	0	199	3	196	52	26	76 94
MARCH	179	0	179	0	179	58	32	94 111
APRIL	148	0	148	3	145	39	26	98 120
MAY	180	0	180	2	178	44	24	46 124
JUNE	162	17	179	1	178	58	32	38 125
JULY	190	4	194	0	194	56	29	47 117
AUGUST	198	0	198	0	198	46	23	57 92
SEPTEMBER	117	0	117	0	117	28	24	37 72
OCTOBER	192	0	192	1	191	49	26	54 180
NOVEMBER	159	0	159	0	159	52	33	33 142
DECEMBER	154	0	154	1	153	44	29	35 149
TOTAL	2,024	21	2,045	14	2,031	550	27%	680 1,483

NAME OF UNIT CENTRAL PRISON

NAME OF RESPONDENT OFFICER R.C. WEST

FULL LIBRARY XX

CORE LIBRARY _____

JANUARY, 1984

TO

DECEMBER, 1984

A-96

MAXIMUM SECURITY LAW LIBRARY

Monthly	Monthly Number (inmates)			Category/No Show			Category II	
	This Unit	Transfers Unit	Total All	I	II	Number	%	
JANUARY	51	0	51	0	51	17	33	38 85
FEBRUARY	62	0	62	0	62	9	15	24 67
MARCH	67	0	67	0	67	15	22	27 92
APRIL	70	0	70	1	69	17	24	32 73
MAY	54	0	54	3	51	12	23	21 44
JUNE	51	0	51	1	50	7	14	24 51
JULY	71	0	71	18	53	19	27	47 51
AUGUST	56	0	56	1	55	11	20	25 43
SEPTEMBER	44	0	44	0	44	14	32	17 34
OCTOBER	66	0	66	2	64	13	20	20 58
NOVEMBER	66	0	66	0	66	18	27	23 59
DECEMBER	61	0	61	0	61	17	28	18 46
TOTAL	719	0	719	26	693	169	24%	316 703

EXHIBIT D

State of North Carolina
Department of Correction

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** December 27, 1984

FROM : Officer R.C. West
C.P. Law Library

RE : Breakdown of Photocopies made in 1984:

According to our Photocopy log, the following is the breakdown of the number of Photocopies made from December 27, 1983 thru December 21, 1984.

COPIES MADE FOR:

Inmates	32,793
Law Library	12,569
Legal Affairs	9,184
Chaplaincy Services	3,661
School	296
Visitation	160
Recreational Department	42
Master Control	8
Canteen	40
Miscellaneous	<u>148</u>
	58,901

NOTE: All Photocopies were made FREE of
Charge to all Inmates and Staff.

EXHIBIT E

**State of North Carolina
Department of Correction**

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** December 27, 1984

FROM : Officer R.C. West
C.P. Law Library

RE : Breakdown of Library Usage for the Year of 1984:
The Number of Scheduled Appointments in both the Full Law Libraries for the Year of 1984 are as follows:

MAXIMUM SECURITY LAW LIBRARY

From A	173
From B	66
From C	93
From D	95
From E	90
From F	98
	<u>615</u>

MAIN LAW LIBRARY

From A-F,K,L,O, etc.	1,997
From Mental Health West	82
From Mental Health East	63
From Hospital	48
Freetime	<u>707</u>
	2,897

TOTAL OTHER INMATE REQUESTS GRANTED DURING 1984:

Request for Forms	2,279
Request for Notary	2,081
Request for Information	1,264
Typographical Services	<u>580</u>
	6,204

EXHIBIT F

State of North Carolina
Department of Correction

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** April 25, 1985

FROM : Officer J.R. Moody
C.P. Law Library

RE : Breakdown of Library Usage for the Month of April, 1985:
The Number of Scheduled appointments in both the full Law Libraries for the Month of April are as follows:

MAXIMUM SECURITY LAW LIBRARY

From A	9
From B	8
From C	11
From D	10
From E	17
From F	<u>13</u>
	68

MAIN LAW LIBRARY

From A-F,K,L,O	203
From Mental Health East	0
From Mental Health West	10
From Hospital	<u>7</u>
	220

TOTAL OTHER INMATE REQUESTS GRANTED DURING APRIL, 1985:

Request for Forms	224
Request for Notary	98
Request for Information	45
Request for Freetime	53
Typographical Services	<u>33</u>
	453

TOTAL INMATE SERVICES RENDERED:

A total of 429 Inmates came into the Law Library in April, 1985.

EXHIBIT G

State of North Carolina
Department of Correction

OFFICE MEMORANDUM

TO : Lt. Lamm **DATE:** April 25, 1985

FROM : Officer J.R. Moody
C.P. Law Library

RE : Photocopies Made for the Month of April, 1985:

According to our photocopy Log, the following
is the breakdown of the number of Photocopies
made from March 26, 1985 thru April 25, 1985.

COPIES MADE FOR

Inmates	2,492
Law Library	390
Legal Affairs	46
Chaplaincy	1,308
Recreation Department	10
Laundry	<u>24</u>
	4,270

NOTE: All Photocopies are provided to Inmates
and Staff *FREE* of Charge.

EXHIBIT H

**State of North Carolina
Department of Correction**

OFFICE MEMORANDUM

TO : Whom It May Concern **DATE:** May 9, 1985
FROM : Officer J.R. Moody
RE : Inmates Scheduled To Use the Law Library:

TIME	MAIN LAW LIBRARY	CELL
SCHEDULED		LOCATION

8:00-9:30	John Wood James Price	O-Dorm BL-102
9:30-11:00	Robert Alston John Rawlings Bienvenido Diaz	K-Dorm L-Dorm K-Dorm
12:30-2:00	James Jackson James Williams Stephen Harris Walter Goodson	DU-102 O-Dorm O-Dorm O-Dorm
2:00-3:30	Harold Williams Roger Blackstock Stephen Moore Lonnie McLean	DU-108 O-Dorm O-Dorm O-Dorm
TIME SCHEDULED	MAXIMUM SECURITY LIBRARY	CELL LOCATION
8:00-9:30	David Allman	AL-204
9:30-11:00	Pinkney Mitchell	CU-205
12:30-2:00	John Gardner	FU-211
2:00-3:30	Clifford Emery	FU-201

DISTRIBUTION: O-Dorm
Capt. 1st Shift
Lt. Max. Sec. Bldg.
Sgt. Hospital Door
Lt. East Control
Sgt. K-Dorm
Sgt. L-Dorm
Sgt. Industrial Bldg.
Lt. Lamm Legal Affairs
1st Floor Lobby
Sgt. Mental Health East
Sgt. Mental Health West
Sgt. 2nd Floor (ABC)
Sgt. 2nd Floor (DEF)

APPENDIX Q

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)

Plaintiffs)

VS.)

NO. 3052 CIVIL

RALEIGH DIVISION)

VERNON LEE BOUNDS, et al.,)

Defendants)

DONALD W. MORGAN, et al.,)

Plaintiffs)

VS.)

NO. 4277 CIVIL

RALEIGH DIVISION)

R. L. TURNER,)

Defendant)

JOHN HARRINGTON, et al.,)

Plaintiffs)

VS.)

NO. 790 CIVIL

WASHINGTON

DIVISION)

JAMES HOLSHOUSER, et al.,)

Defendants)

AFFIDAVIT

I, MAURICE R. BAKER, being first sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, Division of Prisons as an Educational Specialist at Polk Youth Center in Raleigh, North Carolina. I began

working at Polk Youth Center on June 1, 1965, as a social studies teacher. Two weeks later, I became the library supervisor and have continued in this capacity since that time except for two brief periods when I was performing other duties. On June 16, 1978, a core law library was opened at Polk Youth Center. Also on that date, I was assigned as full time supervisor of the core law library. The library staff consists of myself and two inmate clerks. The inmate clerks and I have been trained by participating in the forty hour law library workshop sponsored by the Department of Correction. I supervise the inmate clerks in the law library and the inmates using the law library, very carefully. Conferences are held regularly at which time the staff discusses procedures, policies, and any problems that arise.

When an inmate desires to use the law library at Polk Youth Center, he fills out a law library request form, Department of Correction form DC-223. Most law library request forms are filled out by inmates in the library; and these inmates are given assistance immediately. Requests received via the in-house mail are usually handled within a twenty-four hour period. Inmates in need of additional legal materials can be transferred to Harnett Youth Center where they may use the full library.

Since the inception of the core library at Polk Youth Center, all inmates assigned to this Unit have been given free access including those inmates housed in disciplinary segregation. Currently, if an inmate who has requested to use the law library is in the regular population, he is paged when he is to come to the law library. If an inmate in the regular population is on the yard, I send a clerk to tell the inmate that he should come to the law library. When inmates are housed in segregation, an adjustment dorm, the sick room, or in the dorm for protective custody, I go to that specific housing area and personally escort the inmate wishing to use the law library to the law library. I am aware that the Court stated that "sixty-four percent of those (inmates) requesting use at Polk Youth Center have actually been scheduled for use." I am unable to figure out where or how the Court got this information. Prior to 1979, the only reason that an inmate did not use the law

library at Polk Youth Center as requested was due to the inmate failing to show up for a scheduled appointment. In 1979, I initiated a practice of having each inmate who requests use of our law library come to the law library at a scheduled time. If the inmate has changed his mind and no longer wants to use the library, I conduct some type of interview with him to make sure that he is not denied access to the law library. This practice has been followed at Polk Youth Center law library since 1979. No inmate is denied access to law library materials.

Inmates are allowed to bring another inmate to assist them if they wish. However, this practice is rarely utilized. Upon request, a staff member in the law library will assist the inmate in understanding the library materials.

The core law library at Polk Youth Center has always furnished pencils, paper, typewriters, carbon paper, and legal forms. If the law library user can type, he is allowed to type his own forms. If the law library user is unable to type, one of the staff members assists him with typing. Carbon paper is always used to make adequate copies of forms, petitions, exhibits, or whatever legal documents the inmate needs to pursue his case. As the law library supervisor, I have not had a request from inmates for photocopies. This lack of requests is due to the fact that all of the inmate legal work is typed and carbon paper is supplied so that all copies required by the Court are made, along with one copy for the inmate's retention. I do have access to a photocopy machine. If an inmate were to request a photocopy, I would give him a photocopy or photocopies as needed, including affidavits or memoranda.

The goal of the library has always been to provide the best possible service to the inmate population at Polk Youth Center; and since its inception, this has been the policy of the core library as well.

/S/ Maurice R. Baker

This the 10 day of June, 1985. Affiant

Sworn to and subscribed before me this
the 10 day of June, 1985 /S/ Lillie M. Grissom

Notary Public

My Commission Expires:

9-25-88

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

That I am employed as Secretary of the North Carolina Department of Correction. My office is located in Raleigh, North Carolina. In my role as Secretary, I am the Chief Executive Officer of the Department of Correction. One of the powers granted to me by the North Carolina General Statutes

is to propose rules and regulations for the government of the State prison system. These rules become effective when approved by the Department of Correction.

I assumed my role as Secretary of the Department of Correction on January 5, 1985. Prior to this date, I was the pastor of the Mt. Sinai Baptist Church in Fayetteville, North Carolina. I was not employed by the Department of Correction prior to January 5, 1985.

The Division of Prisons is one of the divisions within the State prison system which is under my supervision. A rule setting forth the current policy for the Division of Prisons concerning the provision of photocopies to inmates is currently codified as 5 NCAC 2G .0202(a) and states the following:

"Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished."

This policy was most recently amended effective January 1, 1985. Although, I was not in office at the time that this rule was originally written and later amended, I am currently as Secretary of the Department of Correction, the final authority on how policy is interpreted and implemented.

It is my understanding that the intent of this policy as it was written was to provide all inmates with free photocopies of any legal document to be sent to the court. This includes, but is not limited to, legal paperwritings which are part of criminal cases, civil rights cases, petitions for habeas corpus, divorce proceedings, and matters pertaining to parental rights. Examples of paperwritings include but are not limited to, affidavits, petitions, complaints, pleadings, notice of appeal, motion for appropriate relief, legal memoranda, and attachments to complaints which provide evidence in support of the complaints. Although each possible paperwriting which an inmate

might file with the court in his case is not delineated in the policy, the words "petition, the complaint, and exhibits required by the court," in the policy were and are intended to include whatever documents are required to be sent to the courts in an inmate's case.

The policy also provides that all inmates will receive a free copy of each such document for retention. The policy is the same for all inmates. The provision of free photocopies to the court and the inmate is not dependent on any showing of indigency by the inmate.

Due to the fact that this court has stated that the departmental policy on the provision of photocopies "does not permit indigent inmates free copies of other required filings, such as affidavits or memoranda," one of my staff personally contacted each officer in charge of running a full or core law library in our prison system. Each officer in charge of running a law library was contacted by telephone during the week of May 27, 1985. This survey of officers working in the law libraries showed that each officer understood the policy codified as 5 NCAC 2G .0202(a) to include free photocopying for inmates of any document needed to be sent to the courts by the inmate, including affidavits and legal memoranda.

I have attached to this affidavit a log maintained by the officer working in the law library at Blanch Prison Unit. The photocopy log is marked Exhibit A and included as a part hereof. The log shows the name of the inmate who received free photocopies, the type of document copied, the number of pages of the document, and the total photocopies made. This particular log runs from January 1983 through August 1984. The log shows that in January, 1984, four copies of a ten page memorandum were copied free of charge for Inmate Gene Strader. In June, 1984, six copies of a three page affidavit were copied free of charge for Inmate James McKennon. In December, 1983 two copies of a six page affidavit were copied free of charge for Roger Emerial.

I have also attached to this affidavit the photocopy log maintained by the officer running the law library at Southern Correctional Center for the period from January 1984 to April

1984. A copy of this log is marked Exhibit B, and included as a part hereof. The log shows that in March, 1984, legal letters, affidavits, and exhibits were photocopied free of charge for various inmates at the law library.

The officers running the law libraries for the Department of Correction have been instructed to follow the policies and procedures of the Department of Correction. Specifically, these officers are told to follow the rules and regulations governing the law library operation codified as 5 NCAC 2G .0201 through .0205. Each officer is kept up to date on policy changes whenever I issue new or amended policies. Policy amendments and adoptions are mailed from my office to all prison units and institutions. The prison administrators are responsible for implementing policy as promulgated.

It is my determination that the photocopy policy is currently implemented based on the meaning which I have explained in this affidavit.

This the 10th day of June, 1985.

/S/Aaron J. Johnson
Affiant

Sworn to and subscribed before me this
the 10 day of June, 1985.

/S/Lillie M. Grissom
Notary Public
My Commission Expires:
9-25-88

EXHIBIT A

LAW LIBRARY.
(UNIT) BLANCH #3940—January, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
01-83	Lee Williams	Appeal	2	4	X		
01-83	Lee Williams	Appeal	7	7	X		
01-83	Samuel Jumper	Legal Doc.	2	2	X		
01-83	Johnny Edwards	1983 Civil Suit	6	34	X		
01-83	Mark Apperson	Trial Records	2	6	X		
01-83	Herbert Eleason	Petition	46	180	X		
01-83	Herbert Eleason	Petition	6	24	X		
01-83	John Lockamy	Legal Doc.	1	4	X		
01-83	John Lockamy	Post Conviction	4	20	X		
01-83	Samuel Jumper	Comittment	2	2	X		
01-83	Fred Crawford	Comittment	3	9	X		
01-83	Fred Crawford	Motion App. Relief	3	12	X		
01-83	Lee Robert Williams	Habeas Corpus	10	40	X		
01-83	Lee Robert Williams	Legal Doc.	1	15	X		
01-83	John Montgomery	Case Copied	15	15	X		
01-83	Lee Robert Williams	Motion	18	108	X		
01-83	Jesse Wiles	Legal Letter	5	19	X		
01-83	John Lockamy	Motion	2	6	X		
01-83	Johnny Edwards	Appeal	10	20	X		
01-83	Johnny Edwards	Appeal	4	12	X		
01-83	Tyronne Allen	Legal Letter	2	24	X		
01-83	Jerry Mitchell	Appeal	2	4	X		
01-83	Earl Hartt	Divorce Complaint	6	18	X		
01-83	Mark Apperson	Legal Letter	1	1	X		
01-83	Paul Odell	Motion App. Relief	5	15	X		
01-83	Ronald Smith	Legal Letters	3	6	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—February, 1983

A-111

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
02-83	Lee Robert Williams	Motion	27	130	X		
02-83	John Montgomery	Case Copied	28	28	X		
02-83	Theodore Stroud	Petition	19	19	X		
02-83	Reginald Martin	Legal Letter	4	12	X		
02-83	Ronald Haith	Divorce Complaint	6	30	X		
02-83	Larry Hall	Motion App. Relief	3	12	X		
02-83	Ronald Smith	Legal Letter	1	3	X		
02-83	Ronald Martin	Legal Affidavit	1	6	X		
02-83	Jerry Mitchell	Motion App. Relief	3	12	X		
02-83	Ronald Smith	Legal Letters	2	4	X		
02-83	Lee Robert Williams	Appeal	9	9	X		
02-83	Lee Robert Williams	Case Copied	18	18	X		
02-83	Reginald Martin	Affidavit	2	2	X		
02-83	Robert Charles	1983 Civil Suit	7	28	X		
02-83	Roger Wilberson	Petition	26	52	X		
02-83	Jerry Mitchell	Legal Doc.	3	9	X		
02-83	Theodore Stroud	1983 Civil Suit	12	60	X		
02-83	Theodore Stroud	1983 Civil Suit	2	8	X		
02-83	Johnny Edwards	Legal Doc.	10	20	X		
02-83	William Weads	Legal Doc.	1	1	X		
02-83	Fred Crawford	Legal Doc.	1	1	X		
02-83	Ronald H. Smith	Legal Letters	10	20	X		
02-83	Clearence Moore	Respond to Complaint	2	8	X		
02-83	Allen Curree	1983 Civil Suit	7	35	X		
02-83	Lee Robert Williams	1983 Civil Suit	7	50	X		
02-83	Roger Wilkerson	1983 Civil Suit	27	54	X		
02-83	Johnny Edwards	1983 Civil Suit	9	18	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—March, 1983

A-112

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
03-01-83	Jeffery I. Ward	1983 Civil Suit	37	260	X	
03-01-83	Theodore Stroud	Appeal	17	17	X	
03-01-83	Ronald H. Smith	Legal Letters	9	47	X	
03-03-83	Gene Strader	Legal Doc.	46	357	X	
03-04-83	Dean Sawyer	Legal Doc.	1	11	X	
03-04-83	Ronald H. Smith	Legal Letter	1	2	X	
03-07-83	Billy Joe Bush	Legal Doc.	15	60	X	
03-07-83	Ronald Ford	Motion App. Relief	27	180	X	
03-08-83	Jesse Patton	Motion App. Relief	5	15	X	
03-08-83	Lee Robert Williams	Appeal	20	80	X	
03-09-83	Paul Odell	Court of Appeal	11	44	X	
03-11-83	Edward Throne	Legal Doc.	8	16	X	
03-14-83	Reginald Turner	Appeal	17	17	X	
03-15-83	Lee Robert Williams	Appeal	8	32	X	
03-16-83	Tyrone Allen	Appeal	80	320	X	
03-18-83	Alvin McSwain	Appeal	6	26	X	
03-18-83	Billy Brown	Appeal	3	12	X	
03-23-83	Thomas Huskie	Appeal	5	15	X	
03-23-83	John Chukes	Appeal	7	14	X	
03-24-83	Albert Reid Greene	Motion App. Relief	4	12	X	
03-24-83	Albert Reid Greene	Legal Doc.	4	4	X	
03-25-83	Reggie Somerset	1983 Civil Suit	9	40	X	
03-28-83	Theodore Stroud	Legal Claim	13	65	X	
03-30-83	Jessie Johnston	1983 Civil Suit	10	23	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—April, 1983

A-113

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
04-01-83	Fred Crawford	Habeas Corpus	1	31	X		
04-01-83	Fred Crawford	Habeas Corpus	3	12	X		
04-01-83	Fred Crawford	Habeas Corpus	29	115	X		
04-01-83	Ronald Smith	Petition	51	51	X		
04-05-83	Fred Crawford	Habeas Corpus	3	15	X		
04-11-83	Reggie Somerset	Forma Pauperus	1	4	X		
04-11-83	Lee Williams	1983 Civil Suit	4	16	X		
04-14-83	Timothy Shelton	Petition	3	9	X		
04-18-83	Ernest Plemmons	Power of Attorney	1	12	X		
04-20-83	George Conner	Divorce Complaint	7	33	X		
04-25-83	John Lockamy	Appeal	6	20	X		
04-26-83	Jeffrey Ward	Motion	3	15	X		
04-26-83	Leroy King	Legal Letter	2	6	X		
04-26-83	Jerome Perrin	1983 Civil Suit	2	18	X		
04-27-83	Jerome Perrin	1983 Civil Suit	12	62	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
05-83	John Lockamy	Relief Order	1	3	X	
05-83	Lee Robert Williams	Affidavits	13	80	X	
05-83	Ronald Smith	1983 Civil Suit	1	1	X	
05-83	David Castaway	Trial Records	1	5	X	
05-83	Lee Wright	1983 Civil Suit	12	12	X	
05-83	Auther Creson	Legal Doc.	1	4	X	
05-83	Reggie Somerset	1983 Civil Suit	11	65	X	
05-83	William Woods	Legal Doc.	1	10	X	
05-83	Samuel McQueen	Motion App. Relief	5	20	X	
05-83	Samuel McQueen	Motion App. Relief	1	3	X	
05-83	Steve Berleson	Case Copied	43	43	X	
05-83	John Lockamy	Legal Doc.	2	2	X	
05-83	Alvin McSwain	Legal Doc.	2	2	X	
05-83	K.T. Colder	Motion App. Relief	5	20	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—June, 1983

A-115

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
06-83	Albert L. Moore	Motion App. Relief	1	1	X	
06-83	Enith Taylor	Legal Documents	10	30	X	
06-83	Alvin McSwain	Legal Warrants	16	22	X	
06-83	Henry F. Adleins	Legal Letter	4	4	X	
06-83	Roger Wilkerson	1983 Civil Suit	4	16	X	
06-83	Tyrone Smith	Habeas Corpus	9	27	X	
06-83	Reggie Somerset	Motion App. Relief	6	18	X	
06-83	Howard Haynes	Habeas Corpus	15	45	X	
06-83	Deny Adam	Trial Records	2	12	X	
06-83	David Donell	Petition Legal Letters	15	45	X	
06-83	Leroy King	1983 Civil Suit	15	85	X	
06-83	Jeffery Ward	1983 Civil Suit	10	83	X	
06-83	Kessy Cable	Will	2	4	X	
06-83	Tyrone Allen	Motion	10	50	X	
06-83	Mark Caldwell	Legal Documents	1	25	X	
06-83	John Fuller	1983 Civil Suit	1	10	X	
06-83	Steve Berleason	1983 Civil Suit	8	48	X	
06-83	Kessy Cable	Motion App. Relief	5	20	X	
06-83	Lee Robert Williams	1983 Civil Suit	8	50	X	
06-83	Lynard Days	1983 Civil Suit	7	56	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—July, 1983

A-116

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
7-1-83	K.T. Cable	1983 Civil Suit	20	160	X	
7-1-83	John Lockamy	Legal Documents	9	9	X	
7-1-83	Lennard Green	Petition Time Cut	6	24	X	
7-1-83	John Lockamy	Petition	3	9	X	
7-1-83	Fred Crawford	Case Copied	2	2	X	
7-1-83	Raymond Oakes	Petition	14	45	X	
7-1-83	Vanders Lee McDowdle	Petition	25	80	X	
7-1-83	Alvin Cruise	1983 Civil Suit	17	90	X	
7-1-83	John Burlington	Legal Documents	2	8	X	
7-2-83	Ronald Taylor	Legal Letter	1	5	X	
7-2-83	Ronald Smith	Legal Letters	1	1	X	
7-3-83	William Davis	1983 Civil Suit	24	24	X	
7-3-83	Kurtis Banies	Petition	5	10	X	
7-5-83	John Fuller	Affidavit	1	2	X	
7-5-83	John Fuller	Legal Letter	1	3	X	
7-5-83	Jeffery Ward	1983 Civil Suit	8	58	X	
7-5-83	Vanders Lee McDowdle	Legal Orders	1	4	X	
7-5-83	John Burrington	Appeals	25	110	X	
7-5-83	John Lockamy	Appeals	10	40	X	
7-7-83	Mark Caldwell	Legal Documents	12	12	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—August, 1983

A-117

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
8-1-83	Earl Lee Thomson	Appeal	4	15	X	
8-1-83	John Fuller	1983 Civil Suit	10	30	X	
8-2-83	Michael Born	Petition	14	56	X	
8-3-83	John Fuller	Petition	4	16	X	
8-3-83	Author Ceason	Legal Letters	2	4	X	
8-3-83	Lee Workim	Motion	7	77	X	
8-8-83	Ronald Taylor	1983 Motion	8	32	X	
8-8-83	Leroy King	1983 Civil Suit	10	50	X	
8-9-83	Enith Talor	In Forma Pauperus	5	48	X	
8-10-83	James Crawford	1983 Civil Suit	15	75	X	
8-16-83	David Foster	Legal Letter	1	1	X	
8-22-83	Edward Thomas	Legal Letter	2	8	X	
8-23-83	Lee Williams	1983 Civil Suit	11	165	X	
8-24-83	Timothy Shelton	Civil Summons	12	65	X	
8-25-83	John Burlington	Habeas Corpus	15	60	X	
8-29-83	Sunny Buchanan	Legal Letter	1	1	X	
8-29-83	William Moore	Tort	2	8	X	
8-30-83	Ronald H. Smith	Legal Letters	1	3	X	
8-30-83	Bobby Earl	Appeal	11	55	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
 (UNIT) BLANCH #3940—September, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	COPY
					FREE	AMOUNT
09-02-83	Robert Morehead	Transcript	10	10	X	
09-02-83	James Corsen	Appeal	4	20	X	
09-12-83	Ednith Taylor	Appeal	45	45	X	
09-12-83	Robert Yerty	Legal Letter	3	12	X	
09-12-83	Lee Mackey	1983	11	88	X	
09-13-83	Robert Morehead	App. Relief	14	85	X	
09-13-83	Lee Williams	Motion	3	30	X	
09-14-83	William Shank	Motion	2	9	X	
09-16-83	Lee Williams	1983	10	150	X	
09-19-83	John Fuller	1983	15	75	X	
09-27-83	William Moore	Tort	5	25	X	
09-28-83	Anthony Galloway	Appeal	7	15	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)



LAW LIBRARY
(UNIT) BLANCH #3940—October, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
10-03-83	Daniel Cuberhouse	Legal Letter	1	2	X		
10-05-83	Raymond Anderson	1983	9	54	X		
10-06-83	Ronald Smith	1983	4	28	X		
10-06-83	Howard Haynes	Legal Doc.	1	4	X		
10-10-83	David Darnell	App. Relief	10	40	X		
10-11-83	Tommy Morrison	1983	5	40	X		
10-12-83	Anthony Galloway	1983	15	45	X		
10-17-83	Lee Williams	Civil Suit	3	21	X		
10-19-83	Franklin Leonard	Civil Suit	5	10	X		
10-19-83	James Kennedy	Appeal	10	50	X		
10-20-83	Dennie Oakes	1983	10	60	X		
10-20-83	William Moore	Tort Claim	5	10	X		
10-21-83	Dennis Oakes	1983	10	50	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—November, 1983

A-120

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
11-01-83	Tommy Morrison	1983	8	48	X	
11-01-83	William Turner	Divorce	10	10	X	
11-02-83	Edith Taylor	Motion	55	55	X	
11-02-83	Lee William	1983	1983	3	X	
11-02-83	William Ramseau	1983	10	50	X	
11-02-83	Vander Douglas	Appeal	10	50	X	
11-02-83	Dennis Oakes	1983	10	50	X	
11-09-83	Eugene Barnard	1983	5	50	X	
11-10-83	Eugene Strader	1983	27	115	X	
11-14-83	Robert Marshall	Appeal	2	14	X	
11-14-83	Steve Burleson	Writ Cert.	15	30	X	
11-17-83	Timothy Shelton	1983	35	35	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—December, 1983

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
12-01-83	Tony Buckner	Divorce	7	21	X	
12-05-83	Steve Burleson	Appeal	4	25	X	
12-05-83	Robert Simmons	Appeal	4	22	X	
12-05-83	Roger Emerial	Affidavit	6	12	X	
12-09-83	Tyson Ferugton	App. Relief	7	28	X	
12-12-83	Kenneth Allen	1983	10	40	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—January, 1984

A-122

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
01-03-84	Gene Strader	Memorandums	10	40	X	
01-03-84	Richard Yarty	Civil Suit	35	70	X	
01-04-84	Gene Strader	Appeal	10	50	X	
01-04-84	Kenneth Allen	1983	7	28	X	
01-05-84	Robert Morehead	Appeal	9	54	X	
01-05-84	Walter Brown	App. Relief	5	15	X	
01-11-84	Henry Barker	Trial Records	3	7	X	
01-11-84	Gene Strader	1983	10	40	X	
01-13-84	Ronald Taylor	Rules	15	15	X	
01-16-84	Ronald Taylor	Motion	5	18	X	
01-17-84	James Barber	Jail Credit	2	6	X	
01-17-84	William Tillery	App. Relief	8	24	X	
01-18-84	Gene Strader	Discovery	6	25	X	
01-18-84	Anthony Galloway	1983	28	84	X	
01-20-84	James Thomas	Jail Credit	6	6	X	
01-23-84	Robbie Styles	1983	7	42	X	
01-25-84	Steve Taylor	App. Relief	6	14	X	
01-25-84	Raymond Alderson	1983	18	130	X	
01-25-84	Donald McIntyes	Motion Relief	7	28	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—February, 1984

A-123

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE FREE	COPY AMOUNT
02-01-84	Gene Strader	Legal Doc.	10	70	X	
02-07-84	Roy Joyner	Habeas Corpus	8	32	X	
02-08-84	William Davis	1983	10	35	X	
02-15-84	David Donall	Appeal	15	75	X	
02-17-84	Hurman Guci	Habeas Corpus	5	15	X	
02-17-84	Earl Franklin	Habeas Corpus	23	95	X	
02-27-84	Ronald Smith	Appeal	70	70	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—March, 1984

A-124

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE FREE	COPY AMOUNT
03-01-84	Steve Burleson	Appeal	27	27	X	
03-01-84	Robert Styles	Appeal	7	25	X	
03-01-84	Earl Franklin	Habeas Corpus	5	15	X	
03-01-84	Ronald Taylor	1983	10	60	X	
03-01-84	Ron Oates	1983	5	15	X	
03-05-84	Wayne Blansett	Jail Credit	2	6	X	
03-07-84	Heal Person	Appeal	7	58	X	
03-07-84	Clarence Walker	1983	6	30	X	
03-13-84	Clarence Walker	1983	6	24	X	
03-28-84	Odell Camerson	1983	10	60	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—April, 1984

A-125

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	AMOUNT
04-01-84	James Kennedy	Motion	2	10	X	
04-05-84	Joseph Eason	1983	8	40	X	
04-06-84	Tony Buckner	1983	8	22	X	
04-18-84	Harry Barker	Motion	6	15	X	
04-18-84	Harry Barker	1983	8	48	X	
04-18-84	Charles Barnard	1983	6	60	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—May, 1984

A-126

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	AMOUNT
05-10-84	Steve Burleson	App. Relief	9	32	X	
05-14-84	Danny Burns	Trial Records	4	12	X	
05-16-84	Harry Barker	1983	19	114	X	
05-16-84	Tony Buckner	1983	7	21	X	
05-17-84	Timothy Whitaker	App. Relief	16	96	X	
05-18-84	Raymond Creason	App. Relief	3	6	X	
05-21-84	Rickey Burns	Transcript	3	12	X	
05-21-84	William Davis	Trial Records	3	12	X	
05-21-84	Thomas Ellington	Trial Records	3	12	X	
05-22-84	Charles Swuirs	1983	6	24	X	
05-23-84	Walter Terrell	1983	11	22	X	
05-23-84	Thomas Carr	Divorce	6	18	X	
05-23-84	Charles Dixon	App. Relief	3	9	X	
05-31-84	Edward McCrae	Appeal	16	80	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—June, 1984

A-127

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY AMOUNT
					FREE		
06-01-84	James McKennon	Affidavit	3	18	X		
06-01-84	Charles Dixon	1983	6	24	X		
06-04-84	Carlton Dorsett	Mot. App. Rel.	8	33	X		
06-04-84	Raymond Creason	1983	1	3	X		
06-06-84	Landell Lagrange	Legal Forms	11	11	X		
06-06-84	Franklin Leonard	Legal Forms	11	11	X		
06-11-84	Richard Yarty	Legal Letter	2	4	X		
06-13-84	Tony Buckner	1983	1	6	X		
06-13-84	Harry Barker	1983	26	104	X		
06-15-84	Jesse Gay	App. Relief	13	39	X		
06-18-84	Alan McCrimmon	Trial Records	3	9	X		
06-20-84	Harry Barker	1983	9	40	X		
06-20-84	Arnold Langué	Divorce	8	32	X		
06-20-84	Gene Strader	Habeas Corpus	12	48	X		
06-22-84	Harry Barker	Appeal	17	65	X		
06-22-84	Roger Wilderson	1983	6	12	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—July, 1984

A-128

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE	
					FREE	COPY AMOUNT
07-02-84	Kenneth Danger	Legal Letters	3	9	X	
07-02-84	Marion Jackson	Writ Cert	4	12	X	
07-02-84	Elbert Bailey	Divorce	6	14	X	
07-02-84	Richard Almond	1983	6	24	X	
07-03-84	Harry Barker	App. Relief	9	108	X	
07-05-84	Claude Ward	Divorce	10	34	X	
07-05-84	Willie Terrell	Gov. Request	11	33	X	
07-06-84	Moses McKay	Affidavit	5	20	X	
07-10-84	Jesse Gay	Motion	33	99	X	
07-13-84	Charles Dixon	Affidavit	3	12	X	
07-16-84	Doug Hesketh	Transcript	4	12	X	
07-17-84	Gene Strader	Motion	6	18	X	
07-18-84	Odell Cameron	Motion	11	41	X	
07-18-84	Harry Barker	Affidavit	9	27	X	
07-24-84	Clarence Walker	1983	6	42	X	
07-24-84	William McQuary	1983	7	35	X	
07-25-84	David Hold	Civil Compt.	6	48	X	
07-25-84	Jackie Graves	1983	12	50	X	
07-26-84	Robert Stigall	App. Relief	5	25	X	
07-27-84	Irvin Pace	1983	6	30	X	

(NOTE: ALL COPIES MADE FREE OF CHARGE)

LAW LIBRARY
(UNIT) BLANCH #3940—August, 1984

A-129

DATE	INMATE'S NAME	ITEM COPIED	NO. OF P.	TOTAL PHOTOS MADE	CHARGE		COPY
					FREE	AMOUNT	
08-01-84	Carlos Hairs	Trial Records	1	4	X		
08-01-84	Anthony Stokes	Divorce	6	20	X		
08-01-84	Berley Fountain	App. Relief	7	35	X		
08-06-84	Richard Hill	App. Relief	5	15	X		
08-06-84	Robert Buchanan	1983	6	24	X		
08-07-84	William Moore	App. Relief	7	28	X		
08-09-84	William Tiffey	App. Relief	16	77	X		
08-09-84	Robert Howell	Appeal	114	215	X		
8-14-84	Michael Brown	1983	6	40	X		
8-17-84	Don King	App. Relief	4	12	X		
8-17-84	Donald Kelly	App. Relief	3	15	X		
8-17-84	Raymond Creason	App. Relief	4	32	X		
8-21-84	Gene Strader	Appeal	173	195	X		
8-21-84	Don Lattimore	1983	7	35	X		
8-27-84	Robert Howell	Affidavit	14	42	X		
8-27-84	Gene Strader	Affidavit	12	36	X		
8-28-84	Leon Ange	Legal Letters	5	5	X		
8-29-84	Donald Kelly	1983	14	42	X		

(NOTE: ALL COPIES MADE FREE OF CHARGE)

EXHIBIT B

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DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-3-84	Culver Emmett	Legal	2	2	2	—
1-3-84	Randy Turner	Legal	1	1	1	—
1-3-84	Culver Emmet	Legal	32	32	32	—
1-3-84	David L. McLain	Legal	84	84	84	—
1-3-84	Mark Jenkins	Legal	1	1	1	—
1-4-84	Jason Dodson	Legal	19	19	19	—
1-4-84	James Earl Buie	Legal Exhibits	10	10	10	—
1-5-84	James Earl Buie	Exhibits	2	2	2	—
1-5-84	Wardell Johnson	Exhibits	20	20	20	—
1-5-84	Wardell Johnson	Exhibits	30	30	30	—
1-10-84	Terry L. Home	Exhibits—Legal	30	30	30	—
1-10-84	James Buie	Exhibits	11	11	11	—
1-10-84	Emmet Culver	Exhibits	2	2	2	—
1-10-84	Roger D. Emanuel	Exhibits	38	38	38	—
1-10-84	Marion L. Jackson	Exhibits	2	2	2	—
1-11-84	James L. Small Marked Columbus	Exhibits	9	9	9	—
1-11-84	Isaac J. Williams	Exhibits	2	2	2	—
1-11-84	Harvey Simmons	Exhibits	9	9	9	—
1-12-84	Vernell Kendine	Exhibit	1	1	1	—
1-12-84	James Cranfell	Exhibits	3	3	3	—
1-12-84	Steven Huntley	Exhibits	1	1	1	—
1-13-84	Renard Jones	Exhibits	21	21	21	—
1-13-84	Jerome Monroe	Exhibits	2	2	2	—
1-13-84	Vernell Oxendine	Exhibits	6	6	6	—
1-13-84	Emmet Culver	Exhibits	40	40	40	—
1-17-84	Danny Lee Laun	Exhibit	1	1	1	—

**PHOTOCOPY LOG
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SOUTHERN CORRECTIONAL CENTER 3600

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DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
1-18-84	David Allen Beaver	Legal	3	3	3	—
1-19-84	Ricky D. Brock	Legal & Exhibits	267	267	267	—
1-19-84	P. Berle	Exhibits	15	15	15	—
1-20-84	(Illegible)	Exhibits	23	23	23	—
1-23-84	Roger D. Emanuel	Exhibits	20	20	20	—
1-24-84	(Illegible)	Exhibits	24	24	24	—
1-24-84	Marion Jackson	Exhibits	12	12	12	—
1-25-84	Ronald L. (Illegible)	Exhibit	1	1	1	—
1-25-84	Ralph Pulliam	Exhibits	12	12	12	—
1-25-84	(Illegible)	Exhibits	3	3	3	—
1-26-84	(Illegible)	Exhibits	10	10	10	—
1-26-84	Clarence W. Feemen	Exhibits	26	26	26	—
1-26-84	James Calvin Hill	Exhibits	4	4	4	—
1-27-84	Wardell Johnson	Exhibits	40	40	40	—
1-27-84	Brian F. Lee	Exhibits	4	4	4	—
1-30-84	(Illegible)	Exhibits	12	12	12	—
1-30-84	Wardell Johnson	Exhibits	8	8	8	—
1-30-84	Jerry Beeson	Exhibits	100	100	100	—
1-30-84	Robert L. Kirby	Exhibits	5	5	5	—
1-31-84	John Glenn Little	Exhibits	21	21	21	—
2-1-84	E. Culver	Exhibits	2	2	2	—
2-1-84	(Illegible)	Exhibits	25	25	25	—
2-1-84	James W. Wilson	Exhibits	5	5	5	—
2-3-84	Billy Willis	Exhibits	24	24	24	—
2-6-84	James Earl Buie	Exhibits	70	70	70	—
2-6-84	Harold Smith	Exhibits	3	3	3	—

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DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-7-84	James Buie	Exhibits	10	10	10	—
2-7-84	James B. Tillman	Exhibits	3	3	3	—
2-7-84	Ricky Brock	Exhibits	6	6	6	—
2-7-84	James Buie	Exhibits	40	40	40	—
2-8-84	Vernell Oxendine	Exhibits	1	1	1	—
2-8-84	Christopher A. Ingram	Exhibits	2	2	2	—
2-9-84	Carnell Smith	Exhibits	37	37	37	—
2-9-84	Roger D. Emanuel	Exhibits	15	15	15	—
2-9-84	(Illegible)	Exhibits	12	12	12	—
2-9-84	(Illegible)	Exhibits	17	17	17	—
2-9-84	Emmet Culver	Exhibits	5	5	5	—
2-9-84	James Buie	Exhibits	34	34	34	—
2-10-84	Zane Perkins	Exhibits	3	3	3	—
2-10-84	Robert L. Kirby	Exhibits	38	38	38	—
2-13-84	Dorsey L. Williams	Exhibits	24	24	24	—
2-13-84	Johnny Borg	Exhibits	2	2	2	—
2-13-84	James Buie	Exhibits	30	30	30	—
2-13-84	Culver	Exhibits	37	37	37	—
2-13-84	James Cranfield	Exhibits	35	35	35	—
2-14-84	James R. Tillman	Exhibits	45	45	45	—
2-14-84	(Illegible)	Exhibits	15	15	15	—
2-14-84	Vernell Oxendine	Exhibits	87	87	87	—
2-15-84	Raymond Carter	Exhibits	7	7	7	—
2-15-84	James Buie	Exhibits	7			
2-15-84	James Tillman	Exhibits	45	45	45	—
2-15-84	Ricky Brock	Exhibits	40	40	40	—

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DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
2-15-84	Maurice Jackson	Exhibits	20	20	20	—
2-16-84	William Grahams	Exhibits	10	10	10	—
2-17-84	Riccardo Hernandez	Exhibits	4	4	4	—
2-21-84	James Cranfield	Exhibits	34	34	34	—
2-22-84	Herman Dallas	Exhibits	1	1	1	—
2-22-84	Wendell Ingram	Exhibits	2	2	2	—
2-22-84	Eric Simons	Exhibits	7	7	7	—
2-22-84	Roger McKay	Exhibits	4	4	4	—
2-22-84	James Buie	Exhibits	20	20	20	—
2-22-84	Wardell Johnson	Exhibits	7	7	7	—
2-24-84	Isaac Williams	Exhibits	4	4	4	—
2-24-84	James A. Kelly	Exhibits	323	323	323	—
2-24-84	Ralph D. Pulliam	Exhibits	77	77	77	—
2-27-84	Eddie Wilkes	Exhibits	25	25	25	—
2-27-84	(Illegible)	Exhibits	7	7	7	—
2-28-84	James Buie	Exhibits	10	10	10	—

2-28-84	Willie Blue	Exhibits	18	18	18	—
2-28-84	C. Bulee	Exhibits	26	26	26	—
2-29-84	Wardell Johnson	Exhibits	40	40	40	—
2-29-84	James A. Kelly	Exhibits	59	59	59	—
2-29-84	Ledell Hudson	Exhibits	12	12	12	—

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SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-2-84	Rayford Ashford	Correspond. w/Attorney	3	3	3	—
3-2-84	Ronnie Brown	Exhibits	35	35	35	—
3-2-84	Ricky Brock	Exhibits	173	173	173	—
3-5-84	Paul Odell	Exhibits	64	64	64	—
3-5-84	Jerry Lee Beeson	Exhibits	350	350	350	—
3-5-84	Robert L. Kirby	Exhibits	20	20	20	—
3-6-84	Richard Hoots	Exhibits	147	147	147	—
3-7-84	Willie Grooms	Exhibits	1	1	1	—
3-7-84	Andy E. Mahe	Exhibits	2	2	2	—
3-7-84	Charles Bullard	Exhibits	9	9	9	—
3-7-84	James Buie	Exhibits	20	20	20	—
3-8-84	Lavern Williams	Exhibits	2	2	2	—
3-8-84	James L. Davis	Exhibits	2	2	2	—
3-8-84	Culver, Emmet	Exhibits	12	12	12	—
3-9-84	Ricky D. Brock	Exhibits	30	30	30	—
3-12-84	Addison W. Sewell	Exhibits	48	48	48	—
3-13-84	James Buie	Exhibits	30	30	30	—
3-13-84	Allen Fegley	Legal	90	90	90	—
3-15-84	Enith Lester Taylor	Legal	52	52	52	—
3-16-84	James Buie	Cert. of Service	4	4	4	—
3-16-84	Eric A. Robins	Legal Letter	20	20	20	—
3-16-84	J. Achlin	Affidavit	1	1	1	—
3-19-84	Emmet Culver	Letter to Hoyt Slope	2	2	2	—
3-19-84	Will Johnson	Legal Copies	25	25	25	—
3-19-84	Wardell Johnson	Legal	3	3	3	—
3-20-84	Herman J. Dallas	Legal	15	15	15	—

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DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
3-20-84	Arthur S. Chapman	Legal	36	36	36	—
3-20-84	Jerry Pearce	Exhibits	8	8	8	—
3-20-84	Allen Lee Fegley	Exhibits	11	11	11	—
3-20-84	William Downard	Motions	18	18	18	—
3-21-84	Ronnie Brown	Exhibits	8	8	8	—
3-23-84	Wardell Johnson	Legal	42	42	42	—
3-23-84	Emmet Culver	Legal	30	30	30	—
3-23-84	James Buie	Exhibits	40	40	40	—
3-23-84	Albert Lee Burrow	Exhibits	16	16	16	—
3-26-84	Dallas Stewart	Legal	7	7	7	—
3-26-84	Illegible	Exhibits	9	9	9	—
3-28-84	Wayne Brooks	Exhibits	180	180	180	—
3-28-84	Richard Hoots	Legal	600	600	600	—
3-28-84	Alvin D. (Illegible)	Exhibits	6	6	6	—
3-28-84	William Newton	Legal	22	22	22	—
3-28-84	Ricky D. Brock	Legal	180	180	180	—
3-28-84	Jerry Beeson	Legal	14	14	14	—
3-29-84	Jerry Beeson	Legal	50	50	50	—
3-29-84	Richard A. Hoots	Exhibit	1	1	1	—
3-29-84	Jeffrey (Illegible)	Exhibits	10	10	10	—
3-30-84	Illegible	Legal	8	8	8	—
3-30-84	Richard Hoots	Exhibits	38	38	38	—
3-30-84	Wardell Johnson	Exhibits	18	18	18	—

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-2-84	Emmet Culver	Exhibits	50	50	50	—
4-2-84	Wardell Johnson	Exhibits	18	18	18	—
4-3-84		Exhibits	46	46	46	—
4-3-84	Jeffrey (Illegible)	Exhibits	10	10	10	—
4-4-84	Joseph T. Martin	Exhibits	1	1	1	—
4-4-84	William (Illegible)	Exhibits	48	48	48	—
4-4-84	Emmet Culver	Exhibits	64	64	64	—
4-4-84	Rob (Illegible)	Exhibits	50	50	50	—
4-4-84	Wardell Johnson	Exhibits	25	25	25	—
4-6-84	Harvey (Illegible)	Exhibits	24	24	24	—
4-6-84	Carl (Illegible)	Exhibits	2	2	2	—
4-6-84	Wardell Johnson	Exhibits	6	6	6	—
4-6-84	Jerry Odell Albert Lee Burrow	Exhibits	65	65	65	—
4-10-84	Albert Lee Burrow	Exhibits	10	10	10	—
4-10-84	Terry C. (Illegible)	Exhibits	25	25	25	—
4-10-84	Wendell Ingram	Exhibits	1	1	1	—
4-10-84	William (Illegible)	Exhibits	102	102	102	—
4-10-84	Ricky D. Brock	Exhibits	47	47	47	—
4-11-84	William Graham	Exhibits	20	20	20	—
4-11-84	Freddie Taylor	Exhibits	39	39	39	—
4-11-84	Jeffrey (Illegible)	Notice of Appeal	6	6	6	—
4-11-84	Emmet Culver	Exhibits	5	5	5	—
4-11-84	Terry McDonald—Mailed	Legal	40	40	40	—
4-11-84	Freeman (Illegible)	Exhibits	48	48	48	—
4-11-84	Jesse Walker	Exhibits	2	2	2	—
4-12-84	Terry C. (Illegible)	Exhibits				

**PHOTOCOPY LOG
LAW LIBRARY**

SOUTHERN CORRECTIONAL CENTER 3600

A-137

DATE	INMATES NAME	ITEM COPIED	NUMBER OF PAGES	TOTAL PHOTOS MADE	CHARGE FOR COPIES	
					FREE	AMOUNT COLLECTED
4-12-84	Roger W. (Illegible)	Legal	7	7	7	—
4-13-84	James (Illegible) (Mailed)	Legal	11	11	11	—
4-13-84	(Illegible)	Exhibits	20	20	20	—
4-13-84	James Buie	Legal	20	20	20	—
4-13-84	John Cummings	Legal	5	5	5	—
4-16-84	(Illegible)	Exhibits & Legal	278	278	278	—
4-16-84	Timothy Wallington	Legal	2	2	2	—
4-16-84	Jerry Beeson	Exhibits	55	55	55	—
4-17-84	Ronnie Dale Brown	Legal	69	69	69	—
4-18-84	Herman J. Dallas	Exhibits	2	2	2	—
4-18-84	Wardell Johnson	Exhibits	19	19	19	—
4-18-84	(Illegible)	Exhibits	11	11	11	—
4-18-84	David McLain	Exhibits	232	232	232	—
4-18-84	James Earl Buie	Exhibits	25	25	25	—
4-18-84	(Illegible)	Exhibits	22	22	22	—
4-24-84	Wardell Johnson	Exhibits	17	17	17	—
4-25-84	(Illegible)	Exhibits	23	23	23	—
4-25-84	Rodney (Illegible)	Legal	21	21	21	—
4-27-84	Herman Dallas	Legal	20	20	20	—
4-29-84	Emmet Culver	Exhibits	2	2	2	—
4-27-84	Bruce Gilliam	Exhibits	16	16	16	—
4-30-84	Emmet Culver	Exhibit	1	1	1	—
4-30-84	Emmet Culver	Exhibits	3	3	3	—
4-30-84	Harley (Illegible)	Exhibits	39	39	39	—
4-30-84	Ronnie Horton	Exhibits	174	174	174	—

APPENDIX S
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 3052 CIVIL
		RALEIGH DIVISION
VERNON LEE BOUNDS, et al.,)		
<i>Defendants</i>)		

DONALD W. MORGAN, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 4277 CIVIL
		RALEIGH DIVISION
R. L. TURNER,)		
<i>Defendant</i>)		

JOHN HARRINGTON, et al.,)		
<i>Plaintiffs</i>)		
VS.)		NO. 790 CIVIL
		WASHINGTON
		DIVISION
JAMES HOLSHOUSER, et al.,)		
<i>Defendants</i>)		

I, NATHANIEL O. BOYKIN, being first duly sworn, do hereby depose and say: 3

That I am employed by the North Carolina Department of Correction as Librarian Consultant and Head Librarian. In this position, I am responsible for overseeing the operation of all libraries operated by the Division of Prisons. My responsibilities also include coordinating the law library workshops which are attended both by inmates and correctional personnel.

My educational experience in the field as a Librarian Consultant I is a Master's Degree in Library Science from an ALA approved school and six years as the State Documents Librarian for the State of North Carolina and Head Reference Librarian at North Carolina Central University, Durham, North Carolina. In addition, I have audited two major courses in law (Legal Research and Legal Methods) from the School of Law, North Carolina Central University, Durham, North Carolina.

The Division of Prisons has established a systematic method of training inmates and correctional employees by conducting law library workshops. The Division of Prisons has conducted five law library workshops since February, 1983.

Each participant attending a law library workshop receives forty hours of training including fourteen hours on legal research and citation style, ten hours on forms practice and filing procedures, and sixteen hours on briefing a case, legal memorandum, court brief, and the law of criminal procedure. The instructional methods used during the week long course include lecture, class discussion, and viewing of filmstrips. Course participants are given case study problems to enhance their understanding of the course materials. In addition, participants practice filling out the various forms which are reviewed in class.

A copy of the lesson plan outlining the course contents is attached to this affidavit, marked Exhibit I, and included as a part hereof. Exhibit I shows the reference books used for the class, the learner objectives for the participants, and the list of state and federal forms which are reviewed in the class. These forms include but are not limited to Habeas Corpus, Petition for Writ of Certiorari, Motion and Request for a Speedy Trial, and Motion for Jail Time Credit.

The Department of Correction has conducted five law library workshops for inmates and correctional employees since February, 1983. The workshops are set up a contractual basis with Durham Technical Institute who provides the instruction at a Division of Prisons facility.

As coordinator of the law library workshops, I send memoranda to the law library instructors each time a workshop is conducted. The purpose of the memoranda are to inform the instructors who will be participating in the workshop, including inmates and correctional personnel. Copies of the memoranda showing the inmates scheduled to participate in the five law library workshops are attached to this affidavit, marked Exhibits J through N inclusive, and included as a part hereof. Copies of memoranda, as well as one class roster, showing the correctional personnel scheduled to participate in the five law library workshops are attached to this affidavit, marked Exhibits O through S inclusive and included as a part hereof.

The memoranda and class rosters show that 23 inmates and 25 Department of Correction employees were scheduled to attend the law library workshop held in February, 1983. The memoranda also show that 23 inmates and 24 Department of Correction employees were scheduled to attend the workshop held in July, 1983; 29 inmates and 24 Department of Correction employees were scheduled to attend the law library workshop held from April 30 to May 4, 1984; 25 inmates and 19 Department of Correction employees were scheduled to attend the September, 1984 law library workshop; and 26 inmates and 23 Department of Correction employees were scheduled to attend the March, 1985 workshop.

During the week long law library workshop, attended by correctional employees, I emphasize to the participants that at all times the officers running the law libraries must follow the Division of Prisons' Policies and Procedures concerning the operation of the law libraries. The policy concerning operation of the law libraries is codified as 5 NCAC 2G .0201 through .0205. A copy of the policy entitled "Access to the Courts" is attached to this affidavit, marked Exhibit T and included as a part hereof.

This the 12 day of June, 1985

/S/ Nathaniel O. Boylan
Affiant

Sworn to and subscribed before me this
the 12 day of June, 1985.

/S/ Lillie M. Grissom
Notary Public

My Commission Expires: 9-25-88

EXHIBIT I

LAW LIBRARY WORKSHOP

(40 Hours)

LESSON PLAN PREPARED BY: Nathaniel O. Boykin

PART I

I. Lesson Title: Legal Research—Citation Style

II. Lesson Preparation:

- A. Learner Objectives:** To provide training in the methodology of legal analysis and synthesis of case reading and briefing for inmates, correctional officers, and professional librarians who use prison law libraries.
- B. Time Required:** fourteen hours
- C. Instructional Methods:** Lecture, class discussion, and handout for problems research.
- D. Equipment:** A law library collection, chalkboard or flipchart, overhead projector, visual aids methods, and filmstrips.
- E. Instructional Materials:** Some handouts on the various aspects of legal research.
- F. References:** How to use your law library. Prepared for the North Carolina Department of Corrections: Legal Research in a Nutshell, by Cohen; and Effective Legal Research by Price.
- G. Student Assignment:** Students will be required to read the two above references before attending the workshop. During the workshop there will be a few legal research problems to be worked on outside of the classroom.

III. Outline of Presentation:

- A. Introduction**
- B. Law Books (Classed)**
 - 1. Legislation

2. Case Law or Reports
3. Texts and Treaties
4. Legal Periodical
5. Encyclopedia
6. Legal Dictionaries
7. Indexes and Search Books
8. Loose-leaf Services

C. Definitions

D. How to Read a Case

1. Reports/Reporters
2. Citations
3. Research Aids
4. Case Briefing

E. Legal Research Methods

1. The Word Approach
2. The Statute Approach
3. The Case Approach
4. Shepardizing

F. Problems Solving

G. Summary of Lesson

H. Evaluation

I. Final Examination

PART II

I. Lesson Title: Forms Practice and Filing Procedures

II. Lesson Preparation:

- A. **Learner Objectives:** To provide legal training for inmates, correctional officers, and librarians in (1) how to fill out various legal forms; (2) what forms to file with the appropriate courts; and (3) the how and where of filing procedures.
- B. **Time Required:** ten hours.
- C. **Instructional Methods:** Lecture, class discussion, handouts, filmstrip, and practice on the various forms.

- D. **Equipment:** Various forms from both the State and Federal government, flipchart, overhead projector, and other visual aid materials.
- E. **Instructional Materials:** Forms (both State and Federal), Update fact sheets from Administrative offices of the Courts.
- F. **References:** North Carolina General Statutes; U.S. Codes; Criminal Law Reporter; and Legal Research in a Nutshell.
- G. **Student Assignment:** none

III. Outline of Presentation:

A. Introduction

B. Legal Forms

1. Summons and Complaints
2. Affidavit
3. Order to Show Cause and Temporary Restraining Order
4. In Forma Pauperis Papers
5. Motion for Appointment of Counsel
6. Papers for Pre-Trial Discovery
 - a. Interrogatories
 - b. Request for Production of Documents
 - c. Motion of Compel Discovery
7. Motion to Vacate Judgment
8. Notice of Appeal
9. Motion for an Extension of Time
10. Default Judgment Papers
11. Habeas Corpus
12. Divorce Complaint
13. Inmate's Trust Fund Certification of Balance on Deposit
14. Petition for Writ of Certiorari
15. Motion and Request for a Speedy Trial
16. Motion for Jail Time Credit
17. Application for Further Review of Decision of the North Carolina Court of Appeals
18. Power of Attorney

19. Trial Records
20. Certificate of Service
21. Verification
22. Other Miscellaneous Forms, both State and Federal, (see Appendix A).

C. Summary of Lesson

D. Evaluation

PART III

I. Lesson Title: Briefing a Case, Legal Memorandum, Court Briefs, and the Substantive Law of Criminal Procedure.

II. Lesson Preparation:

- A. Learner Objectives:** To provide legal training for inmates, correctional officers, and librarians in how the legal process works, how to produce appeals, motions, and court briefs, as well as a better understanding of substantive Law of Criminal Procedure.
- B. Time Required:** Sixteen hours.
- C. Instructional Methods:** Lecture, class discussion, handouts, filmstrips, films, and a few case study problems.
- D. Equipment:** Overhead Projector, some A V's materials, chalkboard, and flipchart.
- E. Instructional Materials:** Handouts on the various aspects of the Law.
- F. References:** **Prisoner's Rights Sourcebook: Theory, Litigation Practice**, edited by M.G. Hermann and M.G. Haft, 1973; **Criminal Procedure in a Nutshell**, by W. F. LaFave, 1971; **Cases and Materials on the Law of Corrections and Prisoner's Rights**, by Sheldon Krantz, 1973; and **Criminal Law: Cases, Materials, and Text on the Substantive Criminals Law in Its Procedural Context**, by Phillip Johnson.
- G. Student Assignment:** Overnight reading from the handouts.

III. Outline of Presentation:

A. Introduction

1. A short history of Section 1983 and the struggle for prisoner's rights.
2. The limits and uses of legal action.

B. The Kind of Suit You Can Bring

1. Who can use Section 1983
2. What you can sue about
3. Your rights under the U.S. Constitution
4. Injunctions (who, what, why, when, and how)
5. Money Damages
6. Class Actions

C. Basic Procedures for Filing Your Suit

1. What legal papers to file
2. When to file your suit
 - a. Statute of Limitations
 - b. Exhaustion of State remedies
3. Where and how to file
4. Getting immediate help from the Court

D. What Happens After You File Your Suit

1. A general overview
2. How to respond to a motion to dismiss your suit
3. The motion for a summary judgment
4. The problem of mootness
5. What to do if your suit is dismissed or the defendants win a summary judgment
6. Pre-trial discovery

E. How to Protect Your Freedom to Take Legal Action and Help other Prisoners.

F. Questions and Answers Session

G. Summary of Lesson

H. Evaluation

Authentication

- A. Lesson Plan Prepared by Nathaniel O. Boylan Date Jan. 4, 1983
- B. Lesson Plan Approved by _____ Date _____
Approved by _____ Date _____
Approved by _____ Date _____
- C. Lesson Plan Approved by OSDT _____ Date _____

Appendix A

STATE FORMS

Form No.	Title
1	INMATE'S TRUST FUND CERTIFICATION OF BALANCE ON DEPOSIT
2	IN FORMA PAUPERIS AFFIDAVIT
3	MOTION FOR APPROPRIATE RELIEF
3F	NOTICE OF APPEAL AND APPLICATION FOR CERTIFICATE OF PROBABLE CAUSE
4	DIVORCE COMPLAINT
5	PETITION FOR WRIT OF CERTIORARI
6	MOTION AND REQUEST FOR A SPEEDY TRIAL UPON PENDING CHARGE OR FOR DISMISSAL OF DETAINER
7	MOTION FOR JAIL TIME CREDIT
8	APPLICATION FOR FURTHER REVIEW OF THE DECISION OF THE NORTH CAROLINA COURT OF APPEALS IN THIS CASE
9	PETITION FOR WRIT OF HABEAS CORPUS
10	POWER OF ATTORNEY
11	JUDGMENT OF DIVORCE
12	TRIAL RECORDS
14	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
16	CERTIFICATE OF SERVICE
17	VERIFICATION
18	MOTION FOR BAIL REDUCTION HEARING <i>IN FORMA PAUPERIS</i>
19	APPLICATION FOR PEREMPTORY WRIT OF MANDAMUS

20 WRIT OF HABEAS CORPUS AD
PROSEQUENDUM

FEDERAL FORMS

Form No.	Title
1F	FORM FOR USE IN APPLICATION FOR HABEAS CORPUS UNDER 28 U.S.C. §2254
4F	PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES
13	FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SEC. 1983 (Eastern District)
15	FORM TO BE USED IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983 (Charlotte Division)

EXHIBIT J

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

February 4, 1983

MEMORANDUM

TO: Law Library Instructors
for February 7-11 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Inmate Participants

Below is a list of names for inmates who will be participating in the Law Library Workshop at Central Prison on February 7 through 11, 1983:

Claude Boone	Richard Sawyer
Joand Barnette	William Hunter
Joseph Caulfield	Charles Sanders
Dean Teith Joyner	William Hyatt
Pernell Ham	Ronnie Williams
Robert Edward Coake	Randall Shank
Clinton Long	Richard Cabey
Horace Beach	Henry Lionel Myers
Earnest Eugene Leviner	James William Rupard
Gregory Smith	Dharlene Moore
Michael Lockart	Graham Smith
Brady Lotharp	

NOB/md
cc: Files

total 23

EXHIBIT K
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

July 14, 1983

MEMORANDUM

TO: Law Library Instructors
 for July 18-22 Workshop

FROM: Nathaniel O. Boykin,
 Librarian Consultant

SUBJECT: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on July 18 through 22, 1983:

- | | |
|------------------------|-------------------------|
| 1. Bailey, Ronald Dean | 13. Jackson, Marion Lee |
| 2. Bert, James | 14. Jones, James C. |
| 3. Black, Howard | 15. Stevens, Byrum |
| 4. Buck, Joseph | 16. Manuel, David |
| 5. Camp, Donnie G. | 17. McCurry, Jeffrey |
| 6. Clack, Rodney | 18. Owens, Namon |
| 7. Clark, Whalen | 19. Simmons, Steve |
| 8. Coggins, Benjamin | 20. Williams, Winston |
| 9. Tillman, Charles | 21. Worth, Philip |
| 10. Dillard, Calvin | 22. Wright, Charlene |
| 11. Gore, Marshall | 23. Shank, Randall E. |
| 12. Hawcock, Donnie | |

NOB/md
cc: Files

I certainly appreciate your help.

EXHIBIT L

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

April 26, 1984

MEMORANDUM

TO: Law Library Instructors
for April 30-May 4, 1984 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on April 30-May 4, 1984.

- | | |
|----------------------|-------------------------|
| 1. Ange, Leon | 15. Johnson, Virgil |
| 2. Blair, John | 16. Jones, Dean Teith |
| 3. Brown, Faye | 17. Jones, James C. |
| 4. Camp, Donnie | 18. Kornegay, Dennis |
| 5. Chaney, Toney | 19. Lotharp, Brady |
| 6. Crisp, Lonnie | 20. Love, Thomas |
| 7. Dellart, Jerry M. | 21. Manual, David |
| 8. Downard, William | 22. Matherly, David |
| 9. Harris, Tommie | 23. McQueen, Roger |
| 10. Hunt, Danny | 24. *Pernell, James Ham |
| 11. Hunter, William | 25. Potts, Marcus Gray |
| 12. Jarrette, Henry | 26. Pritchard, Melvin |
| 13. Johnson, Amos | 27. Sampson, Tony |

14. Johnson, Timothy

28. Wallace, Steven

29. *Moore, Dharlene

I certainly appreciate your help

NOB/md

cc: Files

EXHIBIT M

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

September 14, 1984

MEMORANDUM

TO: Law Library Instructors
for Law Library Workshop, September 17-21,
1984

FROM: Nathaniel O. Boykin,
Librarian Consultant

RE: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison on September 17-21, 1984.

- | | |
|-------------------------|-------------------------|
| 1. David L. Spicer | 11. Donald Money |
| 2. Henry Little | 12. Kenneth Lamm |
| 3. George Elvis | 13. Charles Stanley |
| 4. Mark A. Shore | 14. James Jones |
| 5. Eric Robins | 15. Jeffery McCurry |
| 6. Michael W. Jones | 16. Robert Adams |
| 7. Eugene Hickman | 17. Charles D. Lattaker |
| 8. Terry Franklin Cooke | 18. Marlin J. Inman |
| 9. Raynard Johnson | 19. Carlos Jones |
| 10. Lee Andrew Jenkins | 20. Pearl West |
| | 21. Frank Milano |
| | 22. Howard Black |
| | 23. Cole, Stephen T |

NOB/md

cc: Files

I certainly appreciate your help.

EXHIBIT N
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary
March 13, 1985

MEMORANDUM

TO: Law Library Instructors
 for March 11-15, 1985 Workshop

FROM: Nathaniel O. Boykin,
 Librarian Consultant

RE: Inmate Participants

Below are the names of inmates who will be participating in the Law Library Workshop at Central Prison next week (March 11-15).

- | | |
|--------------------------|---------------------------|
| 1. Allen, Isaac C. | 14. Jarrette, Henry |
| 2. Baldwin, Paul E. | 15. Lester, Michael A. |
| 3. Black, Howard | 16. Love, Thomas A. |
| 4. Cabey, Richard E. | 17. Lowrimore, Jimmy R. |
| 5. Criswell, Robert F. | 18. Moore, Dharlene F. |
| 6. De'Hart, Jerry M. | 19. Moore, Frederick |
| 7. Ekleberry, Michael J. | 20. Murchison, Linwood B. |
| 8. Evans, Anthony B. | 21. Sampson, Tony R. |
| 9. Farrington, Jack D. | 22. Scales, William D. |
| 10. Goodson, Walter S. | 23. Shank, Randall E. |
| 11. Grant, Wesley L. | 24. Shelton, Roger A. |
| 12. Herring, Benny W. | 25. West, Pearl A. |
| 13. Hyatt, William R. | 26. Williams, Ronald E. |

NOB/md I certainly appreciate your help. Thanks.

cc: Files

Mr. Stephen A. Berry

Lt. Michael J. Lamm

Mr. Tom Carroll

Mr. Rodney Benson

Office of Staff Development and Training

Title of Training LAW LIBRARY WORKSHOP Course Title Code (1-5) Begin date 2 / 7 / 83 End date 2 / 11 / 83
(6-11) (12-17)

Location C.P./Raleigh

Coordinator Nathaniel O. Boykin
Education Office ext. 7745

A-155

		DO NOT WRITE IN THIS SECTION						
(1) NAME (PLEASE PRINT) (18-44)	(2) SOCIAL SECURITY NUMBER (45-53)	(3) OBJECTIVE CODE (54-57)	(4) CEU (55-60)	(5) HRS (61-64)	(6) FIRE (64-66)	(7) EXPENSE (67-74)	DATE VOUCHER PROCESSED	COMMENTS
1 Norma Blackard	239-72-6216							
2 Betty Gholston	244-64-9210							
3 Clarence Cartwright	225-60-7129							
4 Ray Ferris	292-12-6002							
5 Percy Underdue	217-40-2808							
6 Maurice Baker	244-26-8871							
7 Joe Jacobs	242-62-3090							
8 John Blalock	242-91-6334							
9 Curtis Martin	180-16-9551							
10 Helen Blakeley	243-54-3645							
11 Judy Mills	240-62-2838							
12 Henry Totten	237-84-0186							
13 James Davis	242-84-6318							
14 George Maynard	250-88-6092							
15 R. O. Campen	241-56-0884							
16 Victor Dry	246-38-7320							
17 William A. Rogers	245-54-9585							
18 Hattie E. Butler	086-24-3022							
19 Sam J. Haithcock	237-44-3563							

EXHIBIT P

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR.	RAE H. McNAMARA	JAMES C. WOODWARD
Governor	Director	Secretary

July 13, 1983

MEMORANDUM

TO: Law Library Instructors
for July 18-22 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on July 18-22, 1983.

- | | |
|---------------------------|------------------------|
| 1. Barrington, Judy | 13. Johnson, Tommy |
| 2. Bradsher, Newman T. | 14. Lowe, Hugh |
| 3. Butler, Hattie | 15. Moretz, Steve |
| 4. Cooper, Bobby R. | 16. Overman, Joseph E. |
| 5. Davis, Lewis | 17. Owens, Charlie |
| 6. Daye, Joan | 18. Perry, Angela |
| 7. Griswell, Ronald | 19. Perkins, Larry |
| 8. Hernandez, Efrin Frank | 20. Rinehart, Terry |
| 9. Hobbs, Billy | 21. Teele, Larry |
| 10. Holloway, James | 22. Thomas, Luther |
| 11. Hudson, Marshall A. | 23. Weeks, Jackie L. |
| 12. Hughes, Danny | 24. Gay, Worth |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT Q
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

April 26, 1984

MEMORANDUM

TO: Law Library Instructors
for April 30-May 4, 1984 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

SUBJECT: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on April 30-May 4, 1984.

- | | |
|-------------------------|------------------------|
| 1. Blalock, J. E. | 14. Jacobs, Joe |
| 2. Bradsher, Newman T. | 15. Lamm, Michael J. |
| 3. Butler, Hattie | 16. Park, Keith |
| 4. Cartwright, Clarence | 17. Peele, Larry |
| 5. Cotten, Mike | 18. Perry, Angela |
| 6. Douglas, Leroy | 19. Rogers, William A. |
| 7. Dry, William | 20. Smyder, John |
| 8. Durham, Daniel | 21. Thomas, Luther |
| 9. East, Randy | 22. West, Ronald C. |
| 10. Graham, Carolina | 23. Yaccarine, Anthony |
| 11. Haithcock, Sam | 24. Nathaniel Boykin |
| 12. Heavner, Phillip | |
| 13. Hughes, Danny | |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT R
NORTH CAROLINA DEPARTMENT OF CORRECTION
Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

September 14, 1984

MEMORANDUM

TO: Law Library Instructors
 for Law Library Workshop, September 17-21,
 1984

FROM: Nathaniel O. Boykin,
 Librarian Consultant

RE: Personnel Participants

Below are the names of personnel who will be participating in the Law Library Workshop at Central Prison on September 17-21, 1984.

- | | |
|-----------------------|----------------------|
| 1. Eugene C. Clary | 12. Mary Lou Voliva |
| 2. Ronald Griswell | 13. Michael McIntyre |
| 3. Joe Jacobs | 14. Kenneth Banks |
| 4. Earlene H. Terrell | 15. Norman Bradsher |
| 5. Maurice R. Baker | 16. Worth B. Gay |
| 6. Frances Turner | 17. Glenn Check |
| 7. John Neal Vaughan | 18. Hattie Butler |
| 8. Debbie Williams | 19. Bill Bradshaw |
| 9. Charlie B. Andrews | |
| 10. Patrick Childress | |
| 11. Fred Horton | |

NOB/md I certainly appreciate your help.
cc: Files

EXHIBIT S

NORTH CAROLINA DEPARTMENT OF CORRECTION Division of Prisons

831 W. Morgan Street Raleigh, N. C. 27603 (919) 733-3226

JAMES B. HUNT, JR. RAE H. McNAMARA JAMES C. WOODWARD
Governor Director Secretary

March 13, 1985

TO: Law Library Instructors
for March 11-15, 1985 Workshop

FROM: Nathaniel O. Boykin,
Librarian Consultant

RE: Employee Participants

Below are the names of employees who will be participating in the Law Library Workshop at Central Prison next week (March 11-15).

- | | |
|----------------------------|---------------------------|
| 1. Bennett, Connie W. | 13. Jacobs, Joe |
| 2. Boykin, Nathaniel O. | 14. Knight, Joyce A. |
| 3. Bradsher, Newman T. | 15. Manning, Jr. Ervin A. |
| 4. Butler, Hattie E. | 16. McCracken, Anne M. |
| 5. Capps, Ronnie E. | 17. McLain, Clifford D. |
| 6. Cook, James W. | 18. Moody, James R. |
| 7. Cotten, Michael L. | 19. Patterson, Walter G. |
| 8. Dry, Victor J. | 20. Reddick, Errol D. |
| 9. Ellicott, Clifton H. | 21. Talbert, Ardis, W. |
| 10. Gay, Jr., Worth B. | 22. West, Ronald C. |
| 11. Haithcock, Jr., Sam J. | 23. Voliva, Mary Lou |
| 12. Heavner, Phillip M. | |

NOB/md I certainly appreciate your help. Thanks.

cc: Jennie Lancaster

Faye Lassister

Files

EXHIBIT T

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTIONS DIVISION OF PRISONS

POLICIES—PROCEDURES

ACCESS TO THE COURTS

5 NCAC 2G COURT RELATED PROCEDURES .0200

.0201 GENERAL

It is the policy of the Division of Prisons that every inmate will be allowed reasonable access to the courts. Inmates will not be penalized due to allegations against the Department or its employees presented in petitions and complaints.

History Note: Statutory Authority G.S. 148-11;
Effective February 1, 1976.

.0202 ACCESS PROCEDURE

(a) Access to Supplies. Inmates will be provided with paper and writing implements to petition the courts for review of their cases or to file complaints concerning any matter. All inmates will be provided free of charge with the number of copies of the petition, the complaint, and exhibits required by the Court, plus one copy of the complaint, petition, and exhibits for retention by the inmate. No additional photocopying will be furnished.

(b) Notification Upon Service of Process. When a petition filed in federal court is actually served, copies will be provided for the office of the Secretary of Correction. Otherwise, no more copies of petitions or complaints will be filed. No copies of any petition or complaint may be retained in the unit jacket.

(c) Access to Legal Text. It is the policy of the Division of Prisons that all inmates in the State's prison system shall have reasonable access to legal materials and or a law library. Those inmates who are in segregated status and pose a threat to the library facility or its staff shall be provided legal materials upon request and/or other assistance as appropriate.

All other inmates are eligible for and must be provided reasonable access to legal materials and a law library in accordance with the provisions of this policy.

(d) Access to Assistance in Preparing for Litigation. Inmates must be allowed to assist other inmates in preparation of legal documents. The time, place and manner of such assistance are all subject to limitations due to custodial considerations, but no inmate may be denied reasonable access to assistance at the unit to which he is assigned. Inmates' assistants will be allowed to work on legal matters during weekends and evenings when security considerations permit. Inmate assistants will not be permitted to accept any compensation from other inmates for their work.

(e) Attorneys will be able to visit inmates consistent with Departmental policy. They must present proper credentials, and must be retained to represent the inmate in a matter pending or that may be pending before the court. The matter of fee for services rendered is a matter to be settled by the attorney and his inmate client.

(f) Notary publics will be made available to notarize legal papers at reasonable times.

(g) When an inmate appears in any court proceeding, either as a witness or party, he must wear civilian clothes. Discharge clothes will be provided for this purpose. An inmate may not wear matching grey, green, white, or brown shirt and pants, nor any prison-issued clothing to a court proceeding.

Note: This policy is mandated by N. C. General Statute 15-176. Failure to comply with the statute is a misdemeanor, punishable by fine, by imprisonment for a term not exceeding two years, or both.

History Note: Statutory Authority G.S. 148-11; 15-176;
Eff. February 1, 1976;
Amended Eff. January 1, 1985; June 1, 1984;
June 16, 1978.

**.0203 ACCESS TO LEGAL MATERIALS AND LAW
LIBRARIES**

(a) Schedules for Law Library Use and Transfers.

(1) In order to coordinate the movement of the several thousand potential library users, and in order to insure that every inmate has a fair share of time in a law library, an inmate who wants to use a law library must make an appointment by using the DC-223.

(2) Since every unit in the State's prison system does not have a law library, it will be necessary to transfer inmates housed at a unit without such a facility to a unit with a law library. As long as bed space is available, transfers will be provided to all eligible inmates with due regard to present custody status or housing assignment.

(3) Area Administrators and Institution Heads shall coordinate the transfers and appointments. The coordination responsibility may be delegated to the Superintendent of the unit housing the law library.

(b) Inmate Requests.

(1) Inmates may request a photocopy of specified legal materials or request the use of the law library. The request for photocopy of legal materials or for use of the law library shall be made on the DC-223 and forwarded to the inmate's Superintendent. An inmate with permission to use the law library shall not be provided with photocopies of legal materials.

(2) If a determination has not been made that the inmate poses a threat to the library or its staff and if the inmate requests photocopies of a large volume of legal materials, the Superintendent may process such request as a request for law library use. The Superintendent will notify the inmate of this

decision on the DC-223. If it has been determined that the inmate poses a threat to the law library or its staff the Superintendent may contact the Senior Administrative Assistant to discuss the request.

(3) The approved DC-223 shall be immediately forwarded to the Superintendent of the unit containing the appropriate law library.

(4) Upon receipt of the DC-223, a request for photocopy of legal materials shall be filled. A request for law library use shall be placed on the priority list and the requesting inmate notified by mail of the date of his appointment.

(c) Priority List. The priority list shall be divided into two categories. "Category I" is to be composed of those inmates who must complete their legal work before a specified date as required by law. "Category II" is to include all other inmates requests.

(1) Category I.

(A) All inmates in Category I are to be given law library privileges before any inmates in Category II. Inmates will receive priority within the category according to the date and time their request was approved by the Superintendent.

(B) In order to insure that only those inmates with a genuine need are placed in Category I, the following procedures apply:

(i) The requesting inmate must complete the portion of the DC-223 labelled "Legal Deadlines."

(ii) The Superintendent shall require proof of the deadline. Any questions regarding the authorization of a request may be referred by the Superintendent to the Senior Administrative Assistant to the Secretary.

(iii) If the Superintendent is satisfied that the request should be classified as Category I, he shall approve and forward the DC-223.

(iv) If the Superintendent is not satisfied that a deadline exists, he shall set forth his reasons on the DC-223 and forward the request to be classified as a Category II

request.

(C) All inmates are to be informed that they may request an extension of time from the appropriate court if they are not able to use the law library immediately. Inmates are encouraged to avoid unnecessary delay in making law library requests.

(2) Category II. All inmates not in Category I shall be placed in Category II. Inmates will receive priority within the category according to the date and time the request was received by the Superintendent of the unit with the law library.

(d) Inmates Assigned to Disciplinary Segregation.

(1) Inmates assigned to Disciplinary Segregation shall be permitted to use the law library. Inmates transferred while on disciplinary segregation shall not receive segregation credit for days spent out of their cells for library purposes.

(2) After proper notice and hearing, an inmate who poses a threat of harm to the staff, or the law library facility can be denied permission for law library research while assigned to disciplinary segregation. Advance written notice on form DC-138 shall be given to an inmate if the question of restricted law library use is to be considered by the disciplinary committee. The notice shall advise the inmate that the disciplinary committee will hear evidence and make a recommendation to the Area Administrator, Institution Head, or their respective designees as to whether the inmate poses such a threat of harm as to require that he should not be released from segregation. Such notice must reasonably inform the inmate of the reasons why he poses a threat of harm to the law library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A record of the proceedings shall be maintained on form DC-138(c). The committee's recommendation shall be forwarded to the Area Administrator, Institution Head or their respective designees. The decision of the Area Administrator, Institution Head or designee must be based upon the record of

the hearing.

(e) Inmates Presently on or Being Reviewed for Administrative Segregation or Maximum Custody.

(1) The determination of whether an inmate presently on or pending review for administrative segregation or maximum custody poses a threat to the library facility or its staff shall be made by the classification authority which reviews the inmate for consideration for administrative segregation or maximum custody after proper notice and hearing. The classification authority shall determine whether the inmate poses such a threat as to require that he not be released from segregation. The inmate shall be entitled to at least twenty-four hours written notice prior to the meeting with the classification authority. The written notice must reasonably inform the inmate of the reasons why he is considered a threat to the library or its staff. At the hearing, the inmate shall be confronted with any relevant information tending to indicate that he is a danger to the law library or its staff. He shall be given an opportunity to present relevant evidence, including statements from witnesses, and to refute the information against him. A determination that an inmate poses a threat to the law library or its staff shall result in the inmate being denied personal access to the law library for a period of six months or until his custody status is reviewed by another classification authority, whichever period is less. Each determination shall be for not longer than a period of six months. At the expiration of this period, a redetermination must be made if the inmate is continued to be barred from the use of the law library. The designees shall notify the inmate of the denial and shall formulate an alternative to library use which may include, but is not limited to, supplying copies of specified legal materials or allowing assistance from inmate librarians.

(2) Those inmates who are on administrative segregation or maximum custody on the effective date of this policy shall be allowed access to the law library unless a determination is made that they pose a threat to the library facility or its staff. Such determination shall be made by the Area Administrator, Institution Head or their respective designees, after proper notice and hearing. The notice and hearing provisions set

forth in .0203(e)(1) shall apply.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978;
Amended Eff. March 1, 1985.

.0204 LAW LIBRARY OPERATION

(a) The law library should be open forty hours per week to ensure reasonable access to the inmate population.

(b) Where inmates are assigned special work details, special library hours may be designated from 1 P.M. to 9 P.M. provided adequate security is made available for the operation of the law library.

(c) Only those inmates who have specifically been approved for the use of the law library will be allowed to use the facility. Except where specifically approved by the unit Superintendent or his designee, not more than five inmates shall be in the law library at any one time.

(d) An inmate's appointment shall be limited to four hours on any one day unless:

(1) No other inmate is scheduled to use the library, or

(2) The inmate's request is classified in category I of the priority list.

(e) Inmate appointments may be spread over several days as required to fulfill a law library request and the days need not be consecutive. However, if the inmate's request is in Category I of the priority list and if the timing is such that the inmate cannot complete his work in one day, he shall be allowed to spend consecutive days in the library.

(f) The unit Superintendent shall designate an inmate librarian and, if possible, an additional inmate law librarian to serve as a backup.

(g) A correctional officer shall always be designated to observe the operation of the law library and maintain custody of those inmates present in the library. If the officer observes that an inmate is not using the library for legal work or if he

observes the inmate otherwise violating Division regulations, he shall order the inmate to leave the law library. The officer's observations and the order shall be properly documented.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978.

.0205 LAW LIBRARY PROCEDURES

(a) All inmates using the law library shall sign a log book. The log shall include the inmates signature, the date and time of entry into the library, and the date and time of leaving the library.

(b) An index file of all titles available in the library shall be maintained in a card file. The card file will consist of two parts:

(1) The first part is a title card listing the name of the publication and the number of volumes in the set; for example, Federal Reporter, Volumes 270-455. The last number may be written in pencil and changed periodically as new volumes are added.

(2) The second part of the title card will be a plain check-out card with the volume number, the name of the inmate who has checked out the publication and the date it was checked out. The card will always be filed behind the title card. As a publication is checked out by consecutive inmates, their names will be added to the card. Additional check-out cards may be added as necessary and the used cards retained in a separate file.

(c) The card file of title and the plain check-out card is essential to the security of the law library. As each title is returned to the inmate librarian, it shall be checked for damage or vandalism. Only after this check has taken place will the inmate's name be checked off the title card and the book returned to the shelf.

(d) Legal dictionaries and other reference materials so classified shall not be checked out. Their utilization will be controlled by the inmate law librarian who will be responsible

for their maintenance.

(e) A complete inventory shall be conducted at least once per month and more often if the need develops. Any shortages or vandalized titles shall be reported to the Head Librarian of the Department of Correction.

History Note: Statutory Authority G.S. 148-11;
Effective June 16, 1978.

APPENDIX T

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

ROBERT (BOBBY) SMITH,)
et al.,)
Plaintiffs)

VS.)

NO. 3052 CIVIL
RALEIGH DIVISION

VERNON LEE BOUNDS,)
et al.,)
Defendants)

DONALD W. MORGAN, et)
al.,)
Plaintiffs)

VS.)

NO. 4277 CIVIL
RALEIGH DIVISION

R.L. TURNER,)
Defendant)

JOHN HARRINGTON, et)
al.,)
Plaintiffs)

VS.)

NO. 790
WASHINGTON DIVISION

JAMES HOLSHOUSER, et)
al.,)
Defendants)

I, JERRY M. PRICE, being first duly sworn, do hereby depose and say:

That I am employed by the North Carolina Department of Correction, as Chief of Educational Services. I have served in that capacity for the past ten years. Prior to becoming Chief of Educational Services I was a principal for two years with the North Carolina Department of Correction and a teacher for seven years. I hold a masters degree in Public Administration and Education.

My responsibilities in my current job involve those of providing leadership and supervision of educational programs in 87 prison units and half-way houses throughout North Carolina. These responsibilities include the supervision and administration of all the core and full law libraries.

Supervision and administration of the law libraries are accomplished by providing staff and selected inmates that work in the libraries with training on how to effectively use the legal materials. This is done in order to prepare them to assist other inmates in the understanding and preparation of writs and other legal documents.

Since February, 1983, the Division of Prisons has conducted five law library workshops for inmates and correctional personnel who work in the law libraries. The workshops are set up on a contractual basis with Durham Technical Institute, who provides the instruction at a Division of Prisons facility. All training of staff and inmates is provided by attorneys who have contractual arrangements with Durham Technical Institute in Durham, North Carolina. Copies of the contracts executed by the Department of Correction and Durham Technical Institute for the five law library workshops conducted from February, 1983 through March, 1985, are attached to this affidavit, marked Exhibits U through Y inclusive, and included as a part hereof.

Originally, the Department of Correction had planned a law library workshop to be conducted by Durham Technical Institute in November, 1982. I received a letter in October, 1982 from E. C. Gillie, Director of Adult and Continuing

Education at Durham Technical Institute confirming that Durham Technical Institute would carry out the planned workshop. A Copy of this letter is attached to this affidavit, marked Exhibit Z and included as a part hereof. Subsequently, Mr. Gillie informed me that the lead facilitator for the workshop was unable to conduct the workshop due to a serious illness of a family member. Therefore, Mr. Gillie stated that the workshop would have to be postponed. A letter written to me by Mr. Gillie explaining this delay is attached to this affidavit, marked Exhibit AA and included as a part hereof.

Attached to this affidavit are copies of the Law Library Quarterly Statistics Reports maintained by the officers in charge of the law libraries. These reports are marked Exhibits BB through VV and included as a part hereof. I have reviewed these reports which show that every law library is staffed by at least one inmate clerk who has attended one or more Department of Correction sponsored law library workshops. The Division of Prisons attempts to select inmates who are expected to spend at least two years prior to release from prison or transfer to another unit. This enables the inmate to gain familiarity and expertise in using the law library materials.

I am aware that this Court has concluded that "inmates in North Carolina's prisons are not receiving adequate physical access to the prison law libraries to meet their legitimate research needs." However, the records kept and maintained by officers who are in charge of the law libraries in the state prison system show that inmates are receiving access to the law libraries. Attached to this affidavit are copies of the Cumulative Law Library Statistics reports kept and maintained by the officers who are in charge of the law libraries. The cumulative law library statistic reports for 1984 are marked Exhibits WW through SSS inclusive and included as a part hereof. Also attached to this affidavit are the Cumulative Law Library Statistics reports for the year 1985, kept and maintained by officers working in the law libraries.

The 1985 reports are marked Exhibits TTT through PPPP inclusive, and included as a part hereof. On the second page of each such report, a figure is noted showing the total of all inmates using the law library. This data is summarized in a chart below:

PRISON UNIT	TOTAL INMATES USING LAW LIBRARY—1984	TOTAL INMATES USING LAW LIBRARY 1/85 TO 4/85
Blanch	251	86
Caledonia	1466	511
Central Prison		
Main Law Library	2022	722
Central Prison Maximum		
Security Law Library	719	276
Craggy	394	217
Franklin	714	214
Harnett	374	123
Southern	1360	448
Mecklenburg	1126	365
N.C. Correctional Center		
for Women	223	77
Piedmont	1170	470
Eastern	946	544
Alamance	52	32
Cameron-Morrison		
Youth Center	169	62
Currituck	417	135
Martin	59	33
Odom	2599	1195
Polk	103	45
Robeson	682	62
Warren	136	72
Watauga	103	67
Western	40	26

In addition, I am aware that this Court has stated that the Division of Prisons' policy does not permit indigent inmates free copies of "other required filings, such as affidavits or memoranda." In response to this statement, records concerning photocopying provided by the prison law libraries are attached to this affidavit, marked Exhibits QQQQ through GGGGG inclusive, and included as a part hereof. These records are maintained by officers who work in the law libraries. A few of the law libraries have not maintained a photocopy log, even though free photocopies of legal papers are provided to inmates upon request. For example, at the Warren County Unit, the law librarian simply notes on the DC-223, request for photocopies form, that the inmate was given the copies he requested. One law library provides copies of the needed legal papers to inmates by using carbon paper. See the affidavit of Maurice Baker, Law Librarian at Polk Youth Center. The logs that are attached reveal that inmates have received copies free of charge of affidavits, transcripts, motions, legal forms, orders, divorce papers, memoranda, and exhibits. For example, see the photocopy log maintained by the law librarian at Central Prison, marked Exhibit SSSS. The photocopy log maintained by an officer at Harnett Youth Center shows that inmates received free copies of foreclosure papers, bank statements, an affidavit, 1983 civil rights case, an order, and exhibits. See Exhibit UUUU.

This the 12 day of June, 1985.

/S/Jerry M. Price
Affiant

Sworn to and subscribed before me
this the 12 day of June, 1985.

/S/Lillie M. Grissom
Notary Public
Commission Expires 9-25-88

EXHIBIT U
STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, a state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the College will provide law library workshops for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide three law library workshops at a prison unit designated by the Department of Correction. Workshops will be conducted at intervals of four months beginning February 7, 1983.

(b) The Department of Correction will provide forty-eight (48) inmates and twenty-four (24) employees for each of the workshops, totaling seventy-two (72) per quarter. Exceptions will be made when no attrition has taken place between training intervals.

(c) No tuition or fees will be charged for inmates participating in the workshops.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of \$782.88* to be paid in a lump sum at the conclusion of each workshop, payable upon receipt of an invoice.

*This sum represents—\$640.00—Instructional Costs (40%)
 42.88—Employer Share of Social
 Security
 100.00—Supplies and Materials

Party of the First Part:

Division of Prisons

J. M. Price,

Chief of Educational Services

By: /S/ Date 2/4/83

Lynn C. Phillips,

Assistant Director of Prisons
 Programs

By: /S/ Date 2/4/83

Ms. Rae H. McNamara, Director
 Division of Prisons

Party of the Second Part:

/S/

President,

By: /S/ Date 2/8/83

Thomas S. Ryon, Jr., Asst. Secretary
 for Fiscal Affairs

By: /S/ Date 5/18/83

EXHIBIT V

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the College will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning July 18 thru 22, 1983.

(b) The Department of Correction will provide twenty-two (22) inmates and twenty-four (24) employees for the workshop, totaling forty-five

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of \$782.88* to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents— \$640.00—Instructional (40%)
 42.88—Employer Share of Social
 Security
 100.00—Supplies and Materials

Party of the First Part:	Party of the Second Part:
Division of Prisons	/S/ Date 7/1/83
J. M. Price,	President
Chief of Educational Services	

By: /S/ Date 7/1/83
 Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 7/6/83
 Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 7/11/83
 James Woodard, Secretary
 N. C. Department of Correction

By: /S/ Date 7/12/83

EXHIBIT W

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, a state-supported educational institution of the State of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter set forth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract.

The purpose, terms, and conditions of the contract are as follows:

(a) Provide a law library workshop to be held at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning April 30 through May 4, 1984.

(b) The Department of Correction will provide thirty inmates and twenty-five employees for the workshop, a total of 55.

(c) No tuition or fees will be charged for inmates participating in the workshops.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

By: _____ Date _____

EXHIBIT X

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institution of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter setforth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning September 17 through 21, 1984.

(b) The Department of Correction will provide twenty-five (25) inmates and twenty-three (23) employees for the workshop, totaling forty-eight.

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of *\$782.88 to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents: \$640.00—Instructional (40%)
 42.88—Employer Share of
 Social Security
 100.00—Supplies and materials
 *\$782.88

Party of the First Part:

Division of Prisons
 J. M. Price,
 Chief of Educational Services

By: /S/ Date 8/6/84

Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 8/20/84

Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 8/28/84

James Woodard, Secretary
 N.C. Department of Correction

By: /S/ Date 8/31/84

Party of the Second Part:

 /S/

President

Date 9/6/84

EXHIBIT Y

STATE OF NORTH CAROLINA DEPARTMENT OF CORRECTION

840 West Morgan Street

Raleigh, North Carolina 27603

CONTRACT FOR PROFESSIONAL SERVICES

This contract is hereby executed between the Division of Prisons, party of the first part, and Durham Technical Institute, party of the second part, and state-supported educational institute of the state of North Carolina. The purpose of this contract is to provide the terms and conditions under which the college will provide a law library workshop for inmates, correctional officers, and librarians.

WITNESSETH:

That for the purpose and subject to the terms and conditions hereinafter setforth, the Division of Prisons hereby contracts with the party of the second part; and said party of the second part accepts such contract;

The purpose, terms, and conditions of the contract are as follows:

(a) Provide one law library workshop at Central Prison sponsored by the Department of Correction. The workshop will be conducted for one week (40 hours) beginning March 11-15, 1985.

(b) The Department of Correction will provide twenty-three (23) inmates and twenty (20) employees for the workshop, totaling forty-three.

(c) No tuition or fees will be charged for inmates participating in the workshop.

(d) The Community College will provide instructors to teach the content of the attached curriculum which is subject to modification.

(e) The Department of Correction will provide books and instructional supplies.

(f) The parties to this agreement understand that in the educational process many unforeseen events can occur. Due to this fact, the parties to this agreement undertake to cooperate and consult with each other when developments so demand.

(g) Either party to this agreement may withdraw from said agreement at any time upon written notice to the opposite party, but it is provided that the contract shall nevertheless remain in force as affecting any student in the program until the student shall have completed his course of instruction.

(h) As full compensation for services, the party of the second part is to receive from the party of the first part, the sum of *\$782.88 to be paid in a lump sum at the conclusion of the workshop, payable upon receipt of an invoice.

This sum represents: \$640.00—Instructional (40%)
 42.88—Employer Share of
 Social Security
 100.00—Supplies and materials
 *\$782.88—total

Party of the First Part:

Division of Prisons
 J. M. Price,
 Chief of Educational Services

By: /S/ Date 2/11/85 By: /S/ Date 3/7/85

Lynn C. Phillips,
 Assistant Director of Prisons
 Programs

By: /S/ Date 2/12/85

Ms. Rae H. McNamara, Director
 Division of Prisons

By: /S/ Date 2/21/85

Aaron Johnson, Secretary
 N.C. Department of Correction

By: /S/ Date 3/1/85

Party of the Second Part:

Durham Technical Institute
 Dr. Phail Wynn, President

INVOICE

Date February 11, 1985

Bought from
and

Payable to: Durham Technical Institute
1637 Lawson Street (Attention: E.C. Gillie)
Durham, North Carolina 27703

Sold To: N. C. DEPARTMENT OF CORRECTION

Buyer _____
County _____ Unit No. _____
Town _____ N. C. _____ L.P.A. No. _____
Charge to Account Number _____
(Supt. must fill in)

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	40% of the instructional costs of a workshop conducted in March 1985		\$640.00
	Employer share of Social Security Contribution (6.7%)		42.88
	Supplies and materials		100.00
	TOTAL		\$782.88
<p>This is to certify that no payment, in part or full, has been received for the above amount. I certify that this is true and correct.</p>			
/S/	_____		
	Vendor		

Submit in Triplicate

EXHIBIT Z

Durham Technical Institute
1637 Lawson Street, Drawer 11307
Durham, N.C. 27703

September 30, 1982

Mr. J. M. Price
Chief of Educational Services
N. C. Department of Corrections
Division of Prisons
Raleigh, N. C.

Dear Mr. Price,

Durham Technical Institute has received clearance to conduct from one to three Legal Library workshops at Central Prison in Raleigh. I will be meeting with prospective workshop facilitators in the next few days to firm plans for course content and dates. In the meantime, it appears that our first workshop will be conducted in early November 1982 and address the following topics:

- Phase I
1. How to fill out and where to send various State and Federal forms;
 2. Tracing the course of a criminal case;
 3. Legal options of the defendant;
 4. Effect of a guilty plea;
 5. Right to have plea bargain enforced;
 6. Effect of a not guilty plea;
 7. Right to an attorney;
 8. Right to have State prove its case;
 9. Right to transcript on appeal;
 10. Right to attorney in post-conviction process;
 11. Areas relevant to appeal;
 12. Appeal procedure after post-conviction process;
 13. Administrative and judicial steps needed before an inmate can get back into court;
 14. Habeas Corpus petitions;

15. Post-conviction appeals;
 16. Challenges to conditions of confinement;
 17. Distinction between motion to dismiss and motion for summary judgment;
 18. When an attorney is likely to be appointed.
- Phase II
19. The four general methods of locating cases and statutes:
 - a. Case approach
 - b. Descriptive word index and digest approach
 - c. Definition
 - d. Analytical—table of contents
 20. Various reporters (Supreme Court Reporter, Federal Reporter, and Federal Supplement) will be discussed with instructions given in how to locate cases in the different reporters.
 21. General statutes of North Carolina will be examined with the difference between annotations and the statutes themselves examined. Also, work will be done with the N. C. Reports and N. C. Appeals.
 22. Towards the conclusion of the class, legal research problems will be handed out and the class will go to the law collection to work these problems.

Sincerely,

/S/E. C. Gillie

Director

Adult and Continuing
Education

EXHIBIT AA

Durham Technical Institute

1637 Lawson Street, Durham
North Carolina
27703
(919) 596-9311

December 8, 1982

Mr. J.M. Price
Chief of Educational Services
N.C. Department of Corrections
Division of Prisons
Raleigh, N.C.

Dear Mr. Price,

On September 30, 1982, I wrote a letter to you stating that Durham Technical Institute had received clearance to conduct from one to three legal library workshops at Central Prison in Raleigh. It was my intention to offer the first workshop in November, 1982, and I planned accordingly. Unfortunately, the lead facilitator in that first workshop experienced a very serious problem in his household in mid-October when his infant child became, and continues to be, very seriously ill. For that reason, and because of the important role to be played by the lead facilitator, we have had to delay the workshop pending his availability, probably in early January, 1983.

I regret the necessity for this unforeseen delay and hope that we will be able to meet your workshop needs in the near future.

Sincerely,

/S/ E.C. Gillie
Director
Adult and Continuing Education

ECG/dmp

cc: Mr. Phillips
Mr. Ben Irons
Mr. Boykins

"Education That Works"

Durham Technical Institute is an Affirmative Action/Equal Opportunity/Section 504
Institution/M/F

EXHIBIT BB

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 9, 1985

NAME OF UNIT Blanch Prison Youth Center 3940

NAME OF RESPONDENT N. T. Bradsher

FULL LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Jerry Monroe DeHart	10965-41	GED	4-30 thru 5-4-84 3-10-85 thru 3-15-85 LL Workshop		Art Math Social Studies English Psychology Reading (Courses Taken)	1984 Polk 1985 Blanch
Name of Inmate Alternate(s)						
Michael John Ekleberry	10364-1A	GED	3-10-85 thru 3-15-85 LL Workshop		82 Air-Borne Paratrooper Ft. Bragg. Computer Program National Government	1985 Blanch

EXHIBIT CC

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 29, 1985

NAME OF UNIT Caledonia Correctional Institution

NAME OF RESPONDENT Daniel Durham

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned	*If no longer Assigned, state reason for change
			DOC Sponsored	Other Tr.				
Robert Adams	10654-OS	14.5 years	Sept. 1984		Typing Knowledge of Case Law	Typing Clerk in Unit Voca- tion Li- brary	May 14, 84	
Richard Cabey	21249-OS	13 Years	Feb. 83 March 84		Typing Indepen- dent Legal Studies Knowledge of Case Law	Typing Previous Law Li- brary Training at other Unit	Nov. 20, 84	

*Column eight applies only if the inmate has been reassigned, etc.

EXHIBIT DD

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 4, 1985

NAME OF UNIT Central Prison #3100

NAME OF RESPONDENT Officer Moody

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
WILLIAM, Ronald SHANK, Randall E. JARRETTE, Henry	11152-OS 10258-MD 21050-OS	College College Deg. High Sch.	Feb. 1983 Feb. 1983 May 1984		Typing Typing Typing	April 1982 Dec. 1982 Nov. 1983
Name of Inmate Alternate(s)						

EXHIBIT EE

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 3, 1985

NAME OF UNIT Craggy Unit #4630

NAME OF RESPONDENT Eric Penland, Program Supervisor

FULL LIBRARY XXX CORE LIBRARY _____

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Charles Burrell	10145-11	14	L.L. Workshop 1981		Clerk-Typist	July '82
			L.L. Workshop 1983			
			O.J.T.			
William Ray Hyatt	10643-50	14	L.L. Workshop 1980		Clerk-Typist	Nov. '84
			L.L. Workshop 1981			
			L.L. Workshop 1982			
			L.L. Workshop 1984			
			(See Below)			
Name of Inmate Alternate(s)						
			L.L. Workshop 1985 O.J.T.			

EXHIBIT FF

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 28, 1985

NAME OF UNIT Franklin County Unit #4215

NAME OF RESPONDENT Victor Dry -Law Librarian-

FULL LIBRARY (full) CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Thomas Love	20241-os	GED	Law Library Seminars	5 years exp- work in Law Lib.	Typing	Dec. 16, '83
			10/81			
			7/82			
			8/83			
Tony Chaney	10862-Va.	High School	5/84		Typing	Feb. 15 '84
			3/85			
			5-5-84	1 year		
Name of Inmate Alternate(s)						
Carlos Jones	20658-os	High School	9-17-84	1 year exp. as sub.	Typing	May 1, '84

EXHIBIT GG

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 30, 1985NAME OF UNIT Harnett Youth CenterNAME OF RESPONDENT William A. RogersFULL LIBRARY X CORE LIBRARY _____

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
James W. Rupard	10961-06	High School G.E.D. Various College Courses	Work Shop 2/7/83-2/11/83		OJT 14 months expe- rience at WCC Core Law Library Typing I OJT Typing I	6/7/82-8/31/83 and 10/11/83 to present
Virgil Johnson	21264-78	High School G.E.D. Various College Courses	Work Shop 4/30/84-5/4/84	You and the Law WCC		3/30/84 to 4/5/85 (Transferred)
Name of Inmate Alternate(s)						
Marlin J. Inman	10363-36	High School G.E.D. 1½ years College	Work Shop 9/17/84-9/21/84		Limited Typing	N/A
Linwood B. Murchison	20962-DC		Work Shop 2/11/85-2/15/85		Typing	N/A

Transferred
4/5/85
Returned
5/29/85

2/11/83-2/12/83

Concise

EXHIBIT HH

SOUTHERN CORRECTIONAL CENTER
TROY, NC

REPORT PREPARED BY /S/MICHAEL P. MCINTYRE
LAW LIBRARY SUP.

DATE 6/10/85

INMATE NAME WILLIAM MAX DOWNARD , PRISON NUMBER D6892-785-1-146-KS

EDUCATION HIGH SCHOOL GRAD.

DOC SCHOOL PARALEGAL TRAINING COURSE

DOC SCHOOL TYPING

DATE JUNE 1984

DATE JUNE 1985

EDUCATION 2 YEARS COLLEGE AT LA VALLEY, CALIFORNIA ASSOCIATE DEGREE
ELECTRONICS

2 YEARS NITE COURSES AT UCLA *MATH and COMPUTER SCIENCE

ANY OTHER TRAINING OR QUALIFICATIONS NITE COURSE IN LAW AT UCLA, CALIF.

DATE ASSIGNED TO LAW LIBRARY AUGUST 1984

SOUTHERN CORRECTIONAL CENTER
TROY, NC

REPORT PREPARED BY /S/MICHAEL P. MCINTYRE
LAW LIBRARY SUP.

DATE June 9, 1985

INMATE NAME Quintis Dye, Jr.

EDUCATION Academy Heights H.S. Pinchurst, N.C., Sandhills-Electronics, Duke U. EEG-Tech-Durham

PRISON NUMBER 20748-77

DOC SCHOOL SCHEDULED FOR PARA*LEGAL SCHOOL 9/85

DOC SCHOOL DATE

EDUCATION

DATE

ANY OTHER TRAINING OR QUALIFICATIONS

N.C. Machists Appe. Training—Sandhills College, Air Craft Maintenance—U.S. Air Force

DATE ASSIGNED TO LAW LIBRARY May 24, 1985

EXHIBIT II

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 5, 1985

NAME OF UNIT Mecklenburg II, Prison Unit #4535

NAME OF RESPONDENT Sam J. Haithecock, Jr.

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Charles Douglas Laffaker Note: Was Trans- ferred 5-28-85	20149-60	12	9-17-84 to 9-21-84	None	Record and his desire to work in the Law Library	9-27-84 to 5-28-85
Robert Furman Criswell Note: This is the present clerk	20928-SC	14	3-11-85 to 3-15-85	None	Record and his desire to work in the Law Library	2-25-85
Name of Inmate Alternate(s)						
Lawrence Alan Heatherly	10358-OS	09	None	None	Record and his desire to work in the Law Library	4-5-85

EXHIBIT JJ

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE Jan.-May 1985

NAME OF UNIT NCCCW-3200

NAME OF RESPONDENT Mrs. Joyce Knight—Law Library Supervisor

FULL LIBRARY XX CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Dharlene Francis Moore	60559-OS	14 years	5 Workshops	O.J.T.		Dec. 1979
Pearl West	70950-MID	12 years	2 Workshops	O.J.T.		Sept. 1984
Name of Inmate Alternate(s)						
None						

EXHIBIT KK

**STATE OF NORTH CAROLINA
DEPARTMENT OF CORRECTION**

Date: 6/6/85

OFFICE MEMORANDUM

TO : Nathaniel Boykin
Law Library Consultant

FROM : Keith Park
Law Library Supervisor
Piedmont Correctional Center

RE : Inmate paralegal update

Please find the information you requested from me via phone on 6-6-85. If I can be of further assistance please contact me.

Inmate Paralegal

Brady Lotharp, #21051-80, High School Education, Date assigned to Law Library—Aug. 1980

Law Library Workshops Attended

July, 1981, Nov. 1983, May 1984.

Inmate Paralegal Alt.

Frank Milano, #10951-Ca, Two Years of College Education, Assigned as Alt. Nov. 1984.

Law Library Workshops Attended

Nov. 1984

cc: File

EXHIBIT LL

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 29, 1985

NAME OF UNIT Eastern Corr. Center

NAME OF RESPONDENT Billy Hobbs

FULL LIBRARY X CORE LIBRARY

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Winston F. Williams	20553-OS	College Grad	Jul. 18-22, 1984 Apr. 30-May 4, 1984	None	Typing Skills	July 1983
Roger L. McQueen	10838-OS	GED & some Coll.	Apr. 30-May 4, 1984	None	Typing Skills	Feb. 1984
Name of Inmate Alternate(s)						
Charles D. Stanley	10130-51	GED	Sept. 17-21, 1984	None	Typing Skills	Sept. 1984

EXHIBIT MM

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE 5-29-1985

NAME OF UNIT Alamance County #4410

NAME OF RESPONDENT Ms. Earlene H. Terrell

CULL LIBRARY CORE LIBRARY XX

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Paul E. Baldwin	21257-68	High School	March 11-15, 85	None	Typing skills	April 1985
Name of Inmate Alternate(s)						

EXHIBIT NN

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 4, 1985

NAME OF UNIT Cameron Morrison Youth Center

NAME OF RESPONDENT Betty J. Gholston

FULL LIBRARY CORE LIBRARY X

A-202

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Melvin D. Pritchard, Jr.	P74555381 0864SC	9th Grade-H.S. G.E.D.	Paralegal Work- shop 4/84		Office Manage- ment Training—1 yr.	11/1/83
William D. Scales	S1085785111 6334	10th Grade HS G.E.D.	Paralegal Work- shop 3/85		—	1/25/85
James R. Lowrimore, Jr.	L690138310 66453	H.S. Diploma 1 Semester of College	Paralegal Work- shop 3/85		—	5/20/85
Name of Inmate Alternate(s)						

EXHIBIT 00

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

A-203

DATE 5/31/85

NAME OF UNIT Currituck #4120

NAME OF RESPONDENT Sue Adkins, Steno III

FULL LIBRARY CORE LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Henry Little	L4720-324- 20751-07	Completed 10th grade, however, completed GED at this Unit	Yes	Attended Work- shop in Raleigh Sept. 1984	Has served as Teacher's Aid in Vocational Building, worked in Can- teen; completed Automotive Re- pair Course and was named to Dean's list sev- eral times during completion of same.	Assigned 1/1/85 Still in this assignment.
Name of Inmate Alternate(s)						
Bennie Herring	H2751-083- 20835-31	Graduated from High School in 1954, went in Army for 4 yrs, entered college, took general courses. He at- tended RCA In- stitute in NY and received AA degree in indus- trial electronics. His experience includes elec- tronics/comput- ers	Yes	Attended work- shop in Raleigh March, 1985	His background indicates he could under- stand forms, various legal ter- minology and be able to work this position with some training, and supervision	Not assigned at this time but was selected as alternate in March, 1985

EXHIBIT PP

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 10, 1985

NAME OF UNIT Martin County Unit

NAME OF RESPONDENT Ray Ferris

FULL LIBRARY CORE LIBRARY #

(919) 792-2910

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Lee Jenkins	20959-07		September 1984			April 11, 1985
Name of Inmate Alternate(s)						

EXHIBIT QQ

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE _____

NAME OF UNIT Odom 3310

NAME OF RESPONDENT James Cook

FULL LIBRARY _____ CORE LIBRARY XX NO FULL OR CORE _____

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned
			DOC Sponsored	Other Tr.			
Clark, Whalen	21252-60	14 years	7/15/83- 7/27/83 Law Library Work- shop	Assistant to Paralegal in the State of New York	Typing Trained in High School	Request for assignment to Law Library	7-15-83
Grant, Wesley	21049-98	14½ years	3/11/85- 3/15/85 Law Library Workshop		Typing 1 year training	Grant was se- lected in case the inmate currently assigned is transferred	

EXHIBIT RR

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 6, 1985

NAME OF UNIT Polk Youth Center

NAME OF RESPONDENT Maurice Baker

FULL LIBRARY CORE LIBRARY X

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Virgil Johnson	1	G.E.D.	May 4, 1984	You, I and the Law at Western Correctional Center	Sincere in the problems of oth- ers. The Harnett Law Library Clerk from March 30, 1984 to April 5, 1985.	April 11, 1985
Name of Inmate Alternates(s)						

EXHIBIT SS

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 31, 1985

NAME OF UNIT Robeson County

NAME OF RESPONDENT Joe Jacobs

FULL LIBRARY _____ CORE LIBRARY XX

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
EVANS, Anthony Blanco	10258-SC	High Sch.	March 11-15, 1985 (40 hrs.)		Typing	Feb. '85
Name of Inmate Alternate(s)						
SAUNDERS, Gerald Linwood	10156-26	High Sch.	Will take the training in Sept. of '85		Typing and OJT	Dec. '84

EXHIBIT TT

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE June 6, 1985

NAME OF UNIT Warren County

NAME OF RESPONDENT E. A. Manning

FULL LIBRARY CORE LIBRARY #

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Tony R. Sampson	20360-64	8th grade	March 11-15, 1985	None	Typing	Feb. 1985
Name of Inmate Alternate(s)						
David W. Spicer	20535-67	High school	Sept. 17-21, 1984	None	Typing	Dec. 1984

EXHIBIT UU

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

DATE May 28, 1985

NAME OF UNIT Watauga County Unit

NAME OF RESPONDENT Kenneth L. Setzer

FULL LIBRARY CORE LIBRARY X

A-209

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Date Assigned
			DOC Sponsored	Other Tr.		
Roger Shelton	10355-41		March 1985	None	Typing	April 26, 1985
Name of Inmate Alternate(s)						

EXHIBIT VV

LAW LIBRARY QUARTERLY STATISTICS REPORT—D

NAME OF UNIT Western Correctional Center
 NAME OF RESPONDENT P. Heavner, Librarian
 FULL LIBRARY CORE LIBRARY X NO FULL OR CORE

Name of Inmate Paralegal(s)	Number	Education	Legal Training (date)		Other Qualifications	Reason for Selection	Date Assigned	*If no longer Assigned, state reason for change
			DOC Sponsored	Other Tr.				
Ronald Bailey	10365-41	GED					early 1983	Sent to PYC—1984
Mark Smith							mid 1982	Shipped out— 1983
Gerald Sanford	10264-OS	GED	None	OTJ		“Was going to be here for a while”	early 1981	better gain time—went to work in Can- teen—1982
Kenneth Lamm	10268-98	GED	Sept. 84	OTJ		Long-term availability	Oct. 84	
Isaac Allen	20766-34	GED	Mar. 85			Back-up worker	N/A	

EXHIBIT WW

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Branch Youth Center—#3140.—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	18
Week 2	3	February	18
Week 3	5	March	17
Week 4	0	April	22
Week 5	0	May	27
		June	21
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS	
			259
b. Total for this month added to running total for previous months			272

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	11
Week 2	2	February	11
Week 3	5	March	11
Week 4	0	April	14
Week 5	0	May	17
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			152
b. Total for this month added to running total for previous months			162

3. a. Title 3—North Carolina General Statutes & United States Code Annotated.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	7	January	23
Week 2	4	February	26
Week 3	7	March	24
Week 4	0	April	26
Week 5	0	May	39
		June	26
TOTAL	18	RUNNING TOTAL FOR PREVIOUS MONTHS	
			340
b. Total for this month added to running total for previous months			358

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	6
Week 2	0	February	7
Week 3	2	March	5
Week 4	0	April	6
Week 5	0	May	13
		June	6
TOTAL	4	RUNNING TOTAL FOR PREVIOUS MONTHS	
			102
			106

b. Total for this month added to running total for previous months

A-212

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	10
Week 2	4	February	5
Week 3	3	March	7
Week 4	0	April	9
Week 5	0	May	11
		June	12
TOTAL	12	RUNNING TOTAL FOR PREVIOUS MONTHS	
			133
			145

b. Total for this month added to running total for previous months

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	7	January	16
Week 2	4	February	12
Week 3	5	March	12
Week 4	0	April	15
Week 5	0	May	24
		June	18
TOTAL	16	RUNNING TOTAL FOR PREVIOUS MONTHS	
			235
			251

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	1	0	0	0	0	1
Civil Rights (§1983)	0	1	4	0	0	5
Other	6	4	1	0	0	11

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	36
Habeas Corpus	6
Civil Rights (§1983)	108
Other	113

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	7	4	5	0	0	16
Photo Copies Only	3	4	5	0	0	12
Forms Only	6	4	5	0	0	15

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	251
Photo Copies Only	87
Forms Only	147

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Per Cent	<u>0</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>5</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>15</u>
Per Cent	<u>.5225</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
---------	-----------------	----------------

Week 1	<u>12.5</u>	<u>5</u>	<u>25</u>
Week 2	<u>9</u>	<u>0</u>	<u>16</u>
Week 3	<u>4</u>	<u>0</u>	<u>10</u>
Week 4	<u>0</u>	<u>0</u>	<u>0</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 6.3

b. Average for this month added to running total for previous months.

January	<u>7.9</u>	May	<u>5.7</u>
February	<u>4.5</u>	June	<u>6.3</u>
March	<u>13.0</u>	July	<u>9.8</u>
April	<u>4.0</u>	August	<u>8.1</u>
YEARLY AVERAGE TO DATE	<u>6.525</u>		

September	<u>2.8</u>
October	<u>5.8</u>
November	<u>4.6</u>
December	<u>6.3</u>

1. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain.
Week 1 40	
Week 2 40	
Week 3 40	
Week 4 24	
Week 5 0	Christmas Holiday. . . .
36	-----
WEEKLY AVERAGE (Based on a five day week)	

2. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1 5.7
Week 2 7.5
Week 3 4.9
Week 4 0
Week 5 0
4.5

MONTHLY AVERAGE

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library

AVERAGE HOURS
Week 1 6.2
Week 2 7.5
Week 3 5.4
Week 4 0
Week 5 0
4.7

MONTHLY AVERAGE

c. (CONTINUED ON NEXT PAGE)

2. c. Actual duration of appointments for this month added to average for previous months.

YEARLY AVERAGE TO DATE 5.1583

3. Damage Report

NONE

4. Other Comments:

 $\frac{A}{Z}$

/S/ N.T. Bradsher

(Signature and Title of Respondent)

EXHIBIT YY

CUMULATIVE LAW LIBRARY STATISTICS

(UNIT) Caledonia — December, 1984

DATE OF REPORT January 2, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	24
Week 2	14
Week 3	9
Week 4	3

MONTHLY TOTALS

January	39	July	31
February	45	August	47
March	53	September	54
April	47	October	44
May	29	November	58
June	58	December	50
RUNNING TOTAL FOR PREVIOUS MONTHS			555

b. Total for this month added to running total for previous months

1,733

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	21
Week 2	18
Week 3	7
Week 4	4

MONTHLY TOTALS

January	33	July	39
February	35	August	86
March	38	September	74
April	48	October	53
May	31	November	68
June	55	December	50
RUNNING TOTAL FOR PREVIOUS MONTHS			610

b. Total for this month added to running total for previous months

4,141

3. a. Title 3—North Carolina General Statutes & United States de Annotated uses.

WEEKLY TOTALS

Week 1	25
Week 2	25
Week 3	17
Week 4	6

MONTHLY TOTALS

January	89	July	61
February	83	August	80
March	73	September	62
April	77	October	97
May	59	November	67
June	51	December	73
RUNNING TOTAL FOR PREVIOUS MONTHS			872

b. Total for this month added to running total for previous months

6,420

Page 2.

4. a. Total Inmates Assigned to Caledonia using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	26	January	123
Week 2	31	February	110
Week 3	27	March	87
Week 4	9	April	90
		May	91
		June	106
		RUNNING TOTAL FOR THIS YEAR:	
		RUNNING TOTAL FOR ALL MONTHS:	
TOTAL	93	July	92
		August	108
		September	92
		October	115
		November	95
		December	93
			1,202
			9,170

5. Total Inmates Transferred from other Units to use Law Library.

WEEKLY TOTALS Unit		MONTHLY TOTALS	
Week 1	7 Halifax — Odome	January	18
Week 2	2 Halifax — Odome	February	19
Week 3	5 Halifax — Odome	March	31
Week 4	4 Halifax — Odome	April	22
All Totals:	18 Halifax — Odome	May	17
		June	25
		RUNNING TOTALS FOR THIS YEAR:	
		RUNNING TOTALS FOR ALL MONTHS:	
		(All Months)	553
		Odome (year)	1,192
		Currituck	133
		Halifax	6
		Others	73
			52

6. Total of All inmates using the Law Library at Caledonia

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	33	January	141
Week 2	33	February	129
Week 3	32	March	118
Week 4	13	April	112
		May	108
		June	131
		RUNNING TOTALS FOR THIS YEAR:	
		RUNNING TOTALS FOR ALL MONTHS:	
TOTAL	111	July	116
		August	136
		September	110
		October	135
		November	119
		December	111
			1,466
			10,235

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Totals
Criminal Appeal	<u>2</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>3</u>
Habeas Corpus	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Civil Rights (§1983)	<u>1</u>	<u>4</u>	<u>1</u>	<u>0</u>	<u>6</u>
Other	<u>7</u>	<u>10</u>	<u>2</u>	<u>3</u>	<u>22</u>

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS
Criminal Appeal	<u>182</u>	<u>2,173</u>
Habeas Corpus	<u>32</u>	<u>273</u>
Civil Rights (§1983)	<u>73</u>	<u>576</u>
Other	<u>385</u>	<u>2,775</u>

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Totals
Category I	<u>3</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>5</u>
Category II	<u>30</u>	<u>33</u>	<u>30</u>	<u>13</u>	<u>106</u>
Photo Copies Only	<u>5</u>	<u>9</u>	<u>8</u>	<u>5</u>	<u>27</u>

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS
Category I	<u>308</u>	<u>1,211</u>
Category II	<u>1,158</u>	<u>10,024</u>
Photo Copies Only	<u>345</u>	<u>2,483</u>

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Totals
Number	1	5	2	0	8
Percent	2%	13%	5%	-	6%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	145
Per Cent	9%

CUMULATIVE TOTALS

1,429
11%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	5 Days
Week 2	4 Days
Week 3	4 Days
Week 4	11 Days

SHORTEST PERIOD

1 Day
1 Day
1 Day
2 Days

LONGEST PERIOD

15 Days
9 Days
12 Days
21 Days

A-220

MONTHLY AVERAGE 6 Days

b. Average for this month added to running total for previous months.

January	7 Days
February	4 Days
March	7 Days
April	6 Days

May	7 Days
June	5 Days
July	8 Days
August	5 Days

September	5 Days
October	5 Days
November	6 Days
December	6 Days

YEARLY AVERAGE TO DATE 6 Days average for the year 1984.

11. Total hours per week the Law Library was open at this unit

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40 Hours	
Week 2	40 Hours	
Week 3	40 Hours	
Week 4	24 Hours	Closed 3 days—Holidays (Open Thurs., Fri., Mon.)
WEEKLY AVERAGE	36 Hours	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Est. Time Needed in Item #2, DC Form)

AVERAGE HOURS	
Week 1	3 Hours 15 Minutes
Week 2	2 Hours 25 Minutes
Week 3	2 Hours 35 Minutes
Week 4	3 Hours 5 Minutes
MONTHLY AVERAGE	2 Hours 50 Minutes

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	2 Hours
Week 2	1 Hour 55 Minutes
Week 3	2 Hours 5 Minutes
Week 4	2 Hours 55 Minutes
MONTHLY AVERAGE	2 Hours 15 Minutes

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2 Hours 5 Min.	May	2 Hours 15 Min.	September	2 Hours 10 Min.
February	1 Hour 45 Min.	June	2 Hours	October	2 Hours 20 Min.
March	2 Hours 50 Min.	July	2 Hours 35 Min.	November	2 Hours 25 Min.
April	1 Hour 50 Min.	August	2 Hours 20 Min.	December	2 Hours 15 Min.
YEARLY AVERAGE TO DATE		2 Hours 15 Minutes average for the year 1984:			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None Week #1			
None Week #2			
None Week #4			
None Week #4			
None this Month			

14. Other Comments:

/S/

(Signature and Title of Respondent)
Daniel G. Durham, Library Supervisor

EXHIBIT ZZ

CUMULATIVE LAW LIBRARY STATISTICS

Full (UN11) Central Prison #3100, December, 1984
Main Law Library

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	58	January	73	July	240		
Week 2	60	February	47	August	305		
Week 3	58	March	62	September	177		
Week 4	57	April	120	October	255		
Week 5	0	May	207	November	205		
		June	189	December	233		
TOTAL	233	RUNNING TOTAL FOR PREVIOUS MONTHS					
					1,877		
b.	Total for this month added to running total for previous months				2,110		

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	51	January	68	July	233		
Week 2	52	February	58	August	235		
Week 3	43	March	101	September	127		
Week 4	43	April	124	October	239		
Week 5	0	May	164	November	181		
		June	184	December	189		
TOTAL	189	RUNNING TOTAL FOR PREVIOUS MONTHS					
					1,714		
b.	Total for this month added to running total for previous months				1,903		

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	58	January	140	July	263		
Week 2	62	February	126	August	285		
Week 3	56	March	117	September	166		
Week 4	58	April	140	October	293		
Week 5	0	May	197	November	228		
		June	208	December	234		
TOTAL	234	RUNNING TOTAL FOR PREVIOUS MONTHS					
					2,163		
b.	Total for this month added to running total for previous months				2,397		

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4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	40				January	146	July	190	
Week 2	39				February	199	August	198	
Week 3	38				March	179	September	117	
Week 4	37				April	148	October	192	
Week 5	0				May	178	November	159	
TOTAL	154				June	162	December	154	
Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				
					1,868				
					2,022				

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	7	8	8	6	0	29
Habeas Corpus	16	15	12	14	0	57
Civil Rights (§1983)	2	1	2	3	0	8
Other	2	6	4	4	0	16

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	370
Habeas Corpus	633
Civil Rights (§1983)	213
Other	278

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	0	0	1
Category II	40	38	38	37	0	153
Photo Copies Only	12	4	7	12	0	35
Forms Only	38	40	36	35	0	149

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	14
Category II	2,008
Photo Copies Only	680
Forms Only	1,483

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	13	9	12	10	0	44
Per Cent	33%	23%	32%	27%	0%	29%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR	
Number	550
Per Cent	27%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

LONGEST PERIOD

SHORTEST PERIOD

AVERAGE

Week 1	4.2 Days	2	17
Week 2	4.3 Days	1	6
Week 3	3.4 Days	0	6
Week 4	3.2 Days	1	7
Week 5	0	0	0

MONTHLY AVERAGE 3.8 Days

b. Average for this month added to running total for previous months.

January	3.5 Days	May	3.3 Days
February	3.3 Days	June	3.9 Days
March	3.6 Days	July	3.6 Days
April	2.7 Days	August	3.8 Days

September	3.0 Days
October	3.9 Days
November	3.1 Days
December	3.8 Days

YEARLY AVERAGE TO DATE 3.5 Days

11. Total hours per week the Law Library was open at this unit

If open for less than 40 hrs/week, please explain

HOURS	
Week 1	40 Hours
Week 2	40 Hours
Week 3	40 Hours
Week 4	40 Hours
Week 5	0 Hours
WEEKLY AVERAGE	40 Hours (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Est. Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.5 Hours
Week 2	1.5 Hours
Week 3	1.5 Hours
Week 4	1.5 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.5 Hours

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.45 Hours
Week 2	1.39 Hours
Week 3	1.43 Hours
Week 4	1.42 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.42 Hours

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.09 Hours	May	1.43 Hours
February	1.17 Hours	June	1.41 Hours
March	1.27 Hours	July	1.45 Hours
April	1.44 Hours	August	1.45 Hours
YEARLY AVERAGE TO DATE		1.46 Hours	
		September	1.40 Hours
		October	1.46 Hours
		November	1.43 Hours
		December	1.42 Hours

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT AAA

CUMULATIVE LAW LIBRARY STATISTICS

Core (UNII) Central #3100. December, 1984

Maximum Security

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1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	28	January	25
Week 2	20	February	25
Week 3	23	March	19
Week 4	16	April	47
Week 5	0	May	41
TOTAL	87	June	74
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	111
		August	92
		September	52
		October	102
		November	97
		December	87
			684
			771

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	22	January	18
Week 2	15	February	34
Week 3	21	March	48
Week 4	14	April	55
Week 5	0	May	41
TOTAL	72	June	74
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	97
		August	75
		September	46
		October	86
		November	81
		December	72
			655
			727

3. a. Title 3—North Carolina General Statutes & United States Code Annotated.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	25	January	31
Week 2	22	February	52
Week 3	25	March	49
Week 4	22	April	50
Week 5	0	May	41
TOTAL	94	June	73
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	102
		August	84
		September	53
		October	122
		November	100
		December	94
			757
			851

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	19	January	51	July	71		
Week 2	13	February	62	August	56		
Week 3	14	March	67	September	44		
Week 4	15	April	70	October	66		
Week 5	0	May	54	November	66		
TOTAL	61	June	51	December	61		
		RUNNING TOTAL FOR PREVIOUS MONTHS					
b. Total for this month added to running total for previous months		719					

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	0	January	0	July	0		
Week 2	0	February	0	August	0		
Week 3	0	March	0	September	0		
Week 4	0	April	0	October	0		
Week 5	0	May	0	November	0		
TOTAL	0	June	0	December	0		
		RUNNING TOTAL FOR PREVIOUS MONTHS					
b. Total for this month added to running total for previous months		0					

6. a. Total of ALL inmates using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS					
Week 1	19	January	51	July	71		
Week 2	13	February	62	August	56		
Week 3	14	March	67	September	44		
Week 4	15	April	70	October	66		
Week 5	0	May	54	November	66		
TOTAL	61	June	51	December	61		
		RUNNING TOTAL FOR PREVIOUS MONTHS					
b. Total for this month added to running total for previous months		719					

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	3	3	3	1	0	10
Habeas Corpus	4	2	4	3	0	13
Civil Rights (§1983)	4	3	3	3	0	13
Other	2	3	1	2	0	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	135
Habeas Corpus	180
Civil Rights (§1983)	153
Other	86

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	19	13	14	15	0	61
Photo Copies Only	5	9	0	4	0	18
Forms Only	10	14	12	10	0	46

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	26
Category II	693
Photo Copies Only	316
Forms Only	703

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	6	2	3	6	0	17
Per Cent	32%	15%	21%	40%	0%	28%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	169
Per Cent	24%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	10.2 Days
Week 2	6.3 Days
Week 3	5.1 Days
Week 4	3.5 Days
Week 5	0

MONTHLY AVERAGE 6.3 Days

SHORTEST PERIOD

6
3
3
2
0

LONGEST PERIOD

17
8
7
6
0

b. Average for this month added to running total for previous months.

January	4.7 Days
February	3.8 Days
March	4.5 Days
April	5.3 Days

May	3.5 Days
June	4.1 Days
July	5.1 Days
August	3.1 Days

September	5.8 Days
October	4.5 Days
November	6.6 Days
December	6.3 Days

YEARLY AVERAGE TO DATE 4.8 Days

11. Total hours per week the Law Library was open at this unit

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40 Hours	
Week 2	40 Hours	
Week 3	40 Hours	
Week 4	40 Hours	
Week 5	0 Hours	
WEEKLY AVERAGE		40 Hours (Based on a five day week)

12. a. Duration of appointments as scheduled, (Weekly average of inmate's Est. Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.5 Hours
Week 2	1.5 Hours
Week 3	1.5 Hours
Week 4	1.5 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.5 Hours

b. Actual duration of appointments, (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.43 Hours
Week 2	1.39 Hours
Week 3	1.45 Hours
Week 4	1.43 Hours
Week 5	0 Hours

MONTHLY AVERAGE 1.43 Hours

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.36 Hours	May	1.15 Hours	September	1.43 Hours
February	1.45 Hours	June	1.44 Hours	October	1.44 Hours
March	1.43 Hours	July	1.48 Hours	November	1.46 Hours
April	1.45 Hours	August	1.46 Hours	December	1.43 Hours
YEARLY AVERAGE TO DATE		1.42 Hours			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT BBB

CUMULATIVE LAW LIBRARY STATISTICS

Craggy 1984

1. a. Title 1—Federal Reporter and Federal Supplement:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>10</u>
Week 2	<u>7</u>	October	<u>19</u>
Week 3	<u>9</u>	November	<u>12</u>
Week 4	<u>10</u>	December	<u>28</u>
		January	<u>0</u>
		February	<u>4</u>
TOTAL	<u>28</u>	March	<u>0</u>
		April	<u>3</u>
		May	<u>26</u>
		June	<u>11</u>
		July	<u>5</u>
		August	<u>17</u>
		TOTAL	<u>107</u>
			<u>135</u>

b. Total for this month added to running total for previous months

2. a. Title 2—The North Carolina Reporter & North Carolina Ct. of App.:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	September	<u>6</u>
Week 2	<u>2</u>	October	<u>7</u>
Week 3	<u>3</u>	November	<u>14</u>
Week 4	<u>6</u>	December	<u>11</u>
		January	<u>0</u>
		February	<u>4</u>
TOTAL	<u>11</u>	March	<u>2</u>
		April	<u>4</u>
		May	<u>27</u>
		June	<u>11</u>
		July	<u>6</u>
		August	<u>9</u>
		TOTAL	<u>90</u>
			<u>101</u>

b. Total for this month added to running total for previous months

3. a. Title 3—The N.C. General Statutes & the U.S. Code Annotated:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>29</u>
Week 2	<u>11</u>	October	<u>52</u>
Week 3	<u>14</u>	November	<u>44</u>
Week 4	<u>13</u>	December	<u>40</u>
		January	<u>24</u>
		February	<u>13</u>
TOTAL	<u>40</u>	March	<u>18</u>
		April	<u>20</u>
		May	<u>101</u>
		June	<u>36</u>
		July	<u>11</u>
		August	<u>39</u>
		TOTAL	<u>382</u>

Page 2

3.b. Total for this month added to running total for previous months: 422

4. a. Total inmates using the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>30</u>
Week 2	<u>11</u>	October	<u>40</u>
Week 3	<u>8</u>	November	<u>34</u>
Week 4	<u>14</u>	December	<u>35</u>
		January	<u>31</u>
		February	<u>28</u>
		March	<u>34</u>
		April	<u>21</u>
		May	<u>77</u>
		June	<u>32</u>
		July	<u>20</u>
		August	<u>47</u>
		TOTAL	<u>394</u>
			<u>429</u>

b. This month's total added to running total for previous months

5. a. Inmates transferred to use the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>0</u>	September	<u>5</u>
Week 2	<u>3</u>	October	<u>11</u>
Week 3	<u>0</u>	November	<u>13</u>
Week 4	<u>4</u>	December	<u>7</u>
		January	<u>3</u>
		February	<u>11</u>
		March	<u>8</u>
		April	<u>3</u>
		May	<u>17</u>
		June	<u>7</u>
		July	<u>4</u>
		August	<u>15</u>
		TOTAL	<u>97</u>
			<u>104</u>

b. Total for this month added to running total for previous months

6. a. Total of all inmates using the Law Library:

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>2</u>	September	<u>30</u>
Week 2	<u>11</u>	October	<u>40</u>
Week 3	<u>8</u>	November	<u>34</u>
Week 4	<u>14</u>	December	<u>35</u>
		January	<u>31</u>
		February	<u>28</u>
		March	<u>34</u>
		April	<u>21</u>
		May	<u>77</u>
		June	<u>32</u>
		July	<u>20</u>
		August	<u>47</u>
		TOTAL	<u>394</u>
			<u>429</u>

Page 3

6.b. This month's total added to running total for previous months

429

7. a. Type of Research

	Week 1	Week 2	Week 3	Week 4	TOTAL
Criminal Appeal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Habeas Corpus	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>
Civil Rights (§1983)	<u>0</u>	<u>1</u>	<u>0</u>	<u>5</u>	<u>6</u>
Other	<u>2</u>	<u>8</u>	<u>8</u>	<u>9</u>	<u>27</u>

b. This month's total added to running total for previous months.

Criminal Appeal _____

Habeas Corpus _____

Civil Rights (§1983) _____

Other _____

8. a. Request for Law Library use by category.

	Week 1	Week 2	Week 3	Week 4	TOTAL
Category I	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Category II	<u>2</u>	<u>11</u>	<u>8</u>	<u>14</u>	<u>35</u>
Photo Copies Only	_____	_____	_____	_____	_____

b. This month's total added to running total for previous months:

Category I _____

Category II _____

Photo Copies Only _____

9. a. Number and per cent of inmates who failed to appear:

	Week 1	Week 2	Week 3	Week 4	TOTAL
Number	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____

b. This month's total and percent added to running total for previous months.

Number _____

Per Cent _____

Page 4

10. a. Time lapse before use of library after request #223 has been filed:

Week 1	1 Wk. Day
Week 2	1 Wk. Day
Week 3	1 Wk. Day
Week 4	1 Wk. Day
Average	1 Wk. Day

b. This month's total added to running total for previous months:

September	_____	January	_____
October	_____	February	_____
November	_____	March	_____
December	_____	April	_____

11. How many hours per week is the library open:

Week 1	40 Hrs.
Week 2	40 Hrs.
Week 3	40 Hrs.
Week 4	40 Hrs.
Average	40 Hrs.

12. a. Duration of appointments as scheduled:

Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Average	_____

May	_____
June	_____
July	_____
August	_____

January _____
February _____
March _____
April _____

May	_____
June	_____
July	_____
August	_____

January _____
February _____
March _____
April _____

[illegible]

EXHIBIT CCC

DECEMBER 1-31 Worksheet
CUMULATIVE LAW LIBRARY STATISTICS FRANKLIN

1. a. Federal Reporter and Federal Supplement

WEEKLY TOTALS

Week 1	8
Week 2	5
Week 3	10
Week 4	
Week 5	
TOTAL	23

MONTHLY TOTALS

September	29	March	27
October	44	April	47
November	12	May	11
December	23	June	39
January	30	July	20
February	35	August	19
		RUNNING TOTAL	313
			336

b. Total for this month added to running total for previous months

2. a. The North Carolina Reporter & North Carolina Court of Appeals

WEEKLY TOTALS

Week 1	3
Week 2	3
Week 3	0
Week 4	
Week 5	
TOTAL	6

MONTHLY TOTALS

September	2	March	10
October	16	April	8
November	13	May	24
December	6	June	17
January	7	July	21
February	21	August	11
		RUNNING TOTAL	150
			156

b. Total for this month added to running total for previous months

3. a. The North Carolina General Statutes & The United States Code Annotated

WEEKLY TOTALS

Week 1	6
Week 2	4
Week 3	5
Week 4	
Week 5	
TOTAL	15

MONTHLY TOTALS

September	3	March	23
October	10	April	22
November	5	May	22
December	15	June	9
January	19	July	13
February	35	August	17
		RUNNING TOTAL	178
			193

b. Total for this month added to running total for previous months

4. a. Strong's North Carolina Index

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	0
Week 2	0	October	3
Week 3	0	November	0
Week 4		December	0
Week 5		January	0
		February	3
TOTAL	0	RUNNING TOTAL	
		March	0
		April	1
		May	1
		June	0
		July	0
		August	0
			8

b. Total for this month added to running total for previous months

5. a. Other

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	September	0
Week 2	2	October	2
Week 3	0	November	7
Week 4		December	2
Week 5		January	0
		February	3
TOTAL	2	RUNNING TOTAL	
		March	4
		April	1
		May	3
		June	9
		July	12
		August	10
			63
			65

b. Total for this month added to running total for previous months

6. a. Total Inmates using the Law Library at this Unit

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	8	September	29
Week 2	14	October	53
Week 3	9	November	27
Week 4		December	31
Week 5		January	70
		February	67
TOTAL	31	RUNNING TOTAL	
		March	63
		April	56
		May	47
		June	52
		July	60
		August	75
			599
			630

b. Total for this month added to running total for previous months

7. a. Inmates transferred to use the Law Library

WEEKLY TOTALS

Week 1	3
Week 2	3
Week 3	1
Week 4	
Week 5	
TOTAL	7

MONTHLY TOTALS

September	0	March	6
October	6	April	11
November	11	May	15
December	7	June	2
January	5	July	5
February	7	August	9
		RUNNING TOTAL	77
			84

b. Total for this month added to running total for previous months

8. a. Total of all inmates using the Law Library

WEEKLY TOTALS

Week 1	11
Week 2	17
Week 3	10
Week 4	
Week 5	
TOTAL	38

MONTHLY TOTALS

September	29	March	69
October	59	April	67
November	38	May	62
December	38	June	54
January	75	July	65
February	74	August	84
		RUNNING TOTAL	676
			714

b. This month's total added to running total for previous months

Page 4

9. a. Type of Research.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	7	9	5			21
Habeas Corpus	0	0	0			0
Civil Rights (§1983)	2	7	2			11
Other	2	1	3			6

b. This month's total added to running total for previous months.

Criminal Appeal	383 + 21 = 404
Habeas Corpus	21 + 0 = 21
Civil Rights (§1983)	154 + 11 = 165
Other	120 + 6 = 126

10. a. Request for Law Library use by category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category 1	0	0	0			0
Category 2	11	17	10			38
Photo copies only	2	4	0			6
FORMS ONLY	9	110	26			145

b. This month's total added to running total for previous months.

Category 1	53 + 0 = 53
Category 2	622 + 38 = 660
Photo copies only	807 + 6 = 813
FORMS ONLY	2240 + 145 = 2385

11. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	CLOSED		0
Per Cent	0	0	0	CLOSED		0

b. This month's total and percent added to running total for previous months.

Number	
Per Cent	

AVERAGE

b. This month's average total added to running total for previous months.

YEARLY AVERAGE			
September	One day	January	One day
October	same day	February	less than 1 day
November	less than 1 day	March	less than 1 day
December	same day	April	One day
			One day
		May	less than 1 day
		June	One day
		July	less than 1 day
		August	One day

If open for less than 40 hrs./week, please explain

Closed for Christmas Holidays—until December 31st

Week 1	48	Week 5
Week 2	50	

b. (CONTINUED)

14. b. Actual Duration of Appointments

J. c. Duration of appointments for previous months

A-245

15. Damage Report

[illegible]

EXHIBIT DDD

CUMULATIVE LAW LIBRARY STATISTICS
HARNETT YOUTH CENTER

December 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	0
Week 2	0
Week 3	0
Week 4	N/A
Week 5	N/A

TOTAL 0

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	0	July	4
February	0	August	1
March	1	September	5
April	3	October	7
May	0	November	1
June	8	December	0
RUNNING TOTAL FOR PREVIOUS MONTHS			30
			30

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	3
Week 2	0
Week 3	0
Week 4	N/A
Week 5	N/A

TOTAL 3

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	3	July	24
February	1	August	19
March	13	September	39
April	8	October	9
May	8	November	4
June	11	December	3
RUNNING TOTAL FOR PREVIOUS MONTHS			139
			142

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	4
Week 2	5
Week 3	8
Week 4	N/A
Week 5	N/A

TOTAL 17

- b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	27	July	27
February	45	August	29
March	25	September	38
April	31	October	23
May	27	November	32
June	54	December	17
RUNNING TOTAL FOR PREVIOUS MONTHS			358
			375

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	39
Week 2	5	February	42
Week 3	10	March	20
Week 4	N/A	April	39
Week 5	N/A	May	28
		June	44
TOTAL	20	RUNNING TOTAL FOR PREVIOUS MONTHS	
			348
			368

- b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	1
Week 2	0	February	2
Week 3	0	March	1
Week 4	N/A	April	0
Week 5	N/A	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			6
			6

- b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	5	January	40
Week 2	5	February	44
Week 3	10	March	21
Week 4	N/A	April	39
Week 5	N/A	May	28
		June	44
TOTAL	20	RUNNING TOTAL FOR PREVIOUS MONTHS	
			354
			374

- b. Total for this month added to running total for previous months

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	<u>1</u>	<u>0</u>	<u>1</u>	<u>N/A</u>	<u>N/A</u>	<u>2</u>
Habeas Corpus	<u>0</u>	<u>0</u>	<u>0</u>	<u> </u>	<u> </u>	<u>0</u>
Civil Rights (§1983)	<u>0</u>	<u>0</u>	<u>2</u>	<u> </u>	<u> </u>	<u>2</u>
Other	<u>4</u>	<u>5</u>	<u>7</u>	<u> </u>	<u> </u>	<u>16</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>48</u>
Habeas Corpus	<u>1</u>
Civil Rights (§1983)	<u>24</u>
Other	<u>303</u>

8 a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	<u>0</u>	<u>1</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>1</u>
Category II	<u>5</u>	<u>4</u>	<u>10</u>	<u> </u>	<u> </u>	<u>19</u>
Photo copies	<u>0</u>	<u>0</u>	<u>2</u>	<u> </u>	<u> </u>	<u>2</u>
Forms Only	<u>0</u>	<u>0</u>	<u>0</u>	<u> </u>	<u> </u>	<u>0</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>24</u>
Category II	<u>350</u>
Photo Copies Only	<u>11</u>
Forms Only	<u>2</u>

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>1</u>	<u>1</u>	<u>0</u>	<u>N/A</u>	<u>N/A</u>	<u>2</u>
Per Cent	<u>16.67</u>	<u>16.67</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9.09</u>

b. Total for this month combined with totals for previous months.

TOTAL FOR YEAR

Number	<u>16</u>
Per Cent	<u>4.10</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	<u>2.80</u>
Week 2	<u>6.40</u>
Week 3	<u>2.10</u>
Week 4	<u>N/A</u>
Week 5	<u>N/A</u>

MONTHLY AVERAGE 3.77

SHORTEST PERIOD

<u>1</u>
<u>3</u>
<u>1</u>
<u> </u>
<u> </u>

LONGEST PERIOD

<u>4</u>
<u>16</u>
<u>5</u>
<u> </u>
<u> </u>

b. Average for this month added to running total for previous months.

January	<u>5.21</u>
February	<u>5.02</u>
March	<u>5.69</u>
April	<u>2.76</u>

May	<u>7.81</u>
June	<u>5.67</u>
July	<u>3.78</u>
August	<u>3.24</u>

September	<u>5.06</u>
October	<u>4.09</u>
November	<u>3.54</u>
December	<u>3.77</u>

YEARLY AVERAGE TO DATE 4.64

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain	
Week 1	3.75	Out of 5 scheduled hours of appointments
Week 2	3.00	Out of 7 scheduled hours of appointments
Week 3	5.50	Out of 9.5 scheduled hours of appointments
Week 4	N/A	None Scheduled
Week 5	N/A	None Scheduled

WEEKLY AVERAGE 4.08 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	1.40
Week 2	2.70
Week 3	1.60
Week 4	N/A
Week 5	N/A

MONTHLY AVERAGE 1.90

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.30
Week 2	1.15
Week 3	1.05
Week 4	N/A
Week 5	N/A

MONTHLY AVERAGE 1.17

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1.57	May	1.39	September	2.70
February	1.55	June	1.61	October	1.27
March	2.08	July	2.62	November	1.63
April	1.17	August	1.89	December	1.17

YEARLY AVERAGE TO DATE 1.72 Hours

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/

(Signature and Title of Respondent)
W. A. Rogers
Law Library Supervisor

EXHIBIT EEE

CUMULATIVE LAW LIBRARY STATISTICS SOUTHERN CORRECTIONAL CENTER—#3600.—December, 1984

A-252

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	2
Week 2	0	February	7
Week 3	0	March	7
Week 4	0	April	44
Week 5	0	May	6
TOTAL	0	June	29
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	41
		August	14
		September	14
		October	2
		November	1
		December	0
			167
			167

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	0	February	33
Week 3	0	March	4
Week 4	0	April	10
Week 5	0	May	6
TOTAL	0	June	42
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	29
		August	20
		September	9
		October	0
		November	0
		December	0
			161
			161

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	26
Week 2	0	February	15
Week 3	0	March	11
Week 4	0	April	6
Week 5	0	May	30
TOTAL	0	June	41
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	87
		August	37
		September	52
		October	0
		November	1
		December	0
			306
			306

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	16	January	66
Week 2	12	February	69
Week 3	18	March	68
Week 4	5	April	101
Week 5	0	May	81
		June	137
TOTAL	51	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			883

A-253

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	13	January	31
Week 2	8	February	30
Week 3	6	March	37
Week 4	1	April	36
Week 5	0	May	32
		June	26
TOTAL	28	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			432

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	29	January	97
Week 2	20	February	99
Week 3	24	March	105
Week 4	6	April	137
Week 5	0	May	113
		June	163
TOTAL	79	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			1,281
			1,360

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	3	0	0	3
Habeas Corpus	1	0	0	0	0	1
Civil Rights (§ 1983)	1	0	3	1	0	5
Other	26	20	18	5	0	69

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	58
Habeas Corpus	25
Civil Rights (§ 1983)	261
Other	1,004

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	5	2	0	7
Category II	29	20	18	4	0	72
Photo Copies Only	3	0	6	1	0	10
Forms Only	2	0	3	1	0	6

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	223
Category II	1,349
Photo Copies Only	2,820
Forms Only	4,176

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>7</u>	<u>2</u>	<u>3</u>	<u>1</u>	<u>0</u>	<u>13</u>
Per Cent	<u>43.0</u>	<u>16.0</u>	<u>16.0</u>	<u>2.0</u>	<u>0</u>	<u>15.4</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>361</u>
Per Cent	<u>30.0</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>29.3</u>	<u>3</u>	<u>48</u>
Week 2	<u>33.8</u>	<u>27</u>	<u>40</u>
Week 3	<u>25.7</u>	<u>4</u>	<u>46</u>
Week 4	<u>23.6</u>	<u>4</u>	<u>36</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 22.4

b. Average for this month added to running total for previous months.

January	<u>12.2</u>	<u>May</u>	<u>16.81</u>	<u>September</u>	<u>20.7</u>
February	<u>11.96</u>	<u>June</u>	<u>11.13</u>	<u>October</u>	<u>30.76</u>
March	<u>14.08</u>	<u>July</u>	<u>13.5</u>	<u>November</u>	<u>23.3</u>
April	<u>8.77</u>	<u>August</u>	<u>16.56</u>	<u>December</u>	<u>22.4</u>

YEARLY AVERAGE TO DATE 16.8

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	32	4 HRS sick leave/4 HRS Vac. leave.
Week 2	32	8 HRS sick leave.
Week 3	32	comp time 8 HRS.
Week 4	16	24 HRS HOLIDAY 24, 25, 26
Week 5	8	last day of the month.

WEEKLY AVERAGE 24 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	2
Week 2	2
Week 3	2
Week 4	3
Week 5	0

MONTHLY AVERAGE 1.8

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.4
Week 2	0.6
Week 3	1.0
Week 4	1.0
Week 5	0

MONTHLY AVERAGE 0.8

c. (CONTINUED ON NEXT PAGE)

c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2.18	May	2.13	September	1.58
February	2.19	June	2.25	October	1.07
March	2.42	July	2.07	November	1.51
April	2.24	August	1.34	December	0.8

YEARLY AVERAGE TO DATE 2.01

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

14. Other Comments:

N/A
N/A
N/A
N/A
N/A

/S/ Randy Dean East

(Signature and Title of Respondent)
Law Library Supervisor

EXHIBIT FFF

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) MECKLENBURG II, PRISON UNIT 4535—December 31, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	5	January	1
Week 2	5	February	3
Week 3	2	March	2
Week 4	1	April	16
Week 5	0	May	15
		June	22
TOTAL	13	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	371
		Total for this month added to running total for previous months	384

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	4	January	1
Week 2	5	February	2
Week 3	1	March	4
Week 4	0	April	26
Week 5	0	May	34
		June	38
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER 1, 1979)	456
		Total for this month added to running total for previous months	466

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS	(1984)	MONTHLY TOTALS	(1984)
Week 1	4	January	1
Week 2	3	February	5
Week 3	2	March	5
Week 4	0	April	32
Week 5	1	May	36
		June	37
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS (FROM SEPTEMBER, 1, 1979)	872
		Total for this month added to running total for previous months	882

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		(1984)		MONTHLY TOTALS		(1984)	
Week 1	29		January	68	July	90	
Week 2	37		February	74	August	77	
Week 3	20		March	64	September	84	
Week 4	3		April	90	October	94	
Week 5	9		May	87	November	90	
			June	100	December		
TOTAL	98		RUNNING TOTAL FOR PREVIOUS MONTHS				5,311
			(FROM SEPTEMBER 1, 1979)				
Total for this month added to running total for previous months							5,409

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		(1984)	MONTHLY TOTALS		(1984)	
Week 1	1		January	10	July	15
Week 2	1		February	9	August	5
Week 3	1		March	8	September	6
Week 4	0		April	10	October	5
Week 5	1		May	11	November	10
			June	17	December	
TOTAL		4	RUNNING TOTAL FOR PREVIOUS MONTHS			491
			(FROM SEPTEMBER 1, 1979)			
Total for this month added to running total for previous months						495

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		(1984)	MONTHLY TOTALS		(1984)	
Week 1	30		January	78	July	105
Week 2	38		February	83	August	82
Week 3	21		March	72	September	90
Week 4	3		April	100	October	99
Week 5	10		May	98	November	100
			June	117	December	
TOTAL		102	RUNNING TOTAL FOR PREVIOUS MONTHS			5,802
			(FROM SEPTEMBER 1, 1979)			
Total for this month added to running total for previous months						5,904

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0	0	0
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	1	2	0	0	3
Other	30	37	19	3	10	99

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Criminal Appeal	307
Habeas Corpus	57
Civil Rights (§ 1983)	481
Other	5,059
	(5,904)

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	1	0	0	0	1
Category II	23	33	20	2	9	87
Photo Copies Only	6	4	1	1	0	12
Forms Only	1	0	0	0	1	2

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Category I	99
Category II	5,460
Photo Copies Only	247
Forms Only	98
	(5,904)

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0%	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR (FROM: SEPTEMBER 1, 1979 TO: DECEMBER 31, 1984)

Number 36
Per Cent .061%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	16	0	14
Week 2	0	0	0
Week 3	0	0	0
Week 4	3	0	3
Week 5	0	0	0

MONTHLY AVERAGE 4

b. Average for this month added to running total for previous months.

(1984)	(1984)	(1984)
January <u>14</u>	May <u>22</u>	September <u>18</u>
February <u>15</u>	June <u>38</u>	October <u>9</u>
March <u>17</u>	July <u>16</u>	November <u>12</u>
April <u>15</u>	August <u>8</u>	December <u>4</u>

YEARLY AVERAGE TO DATE 17 (FROM: JANUARY 1, 1984 TO: DECEMBER 31, 1984)

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	24	12/5 & 6/84 16 hrs. CPR training
Week 2	40	
Week 3	31.5	12/17/84 3 hrs. COURT MATTERS. 12/21/84 4 HRS. COMP. TIME 12/19/84 1.5 HRS. COURT MATTERS.
Week 4	8	12/24, 25 & 26/84 24 HRS. CHRISTMAS HOLIDAYS 12/27/84 8 HRS. VACATION
Week 5	8	1 DAY WEEK

WEEKLY AVERAGE 22 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE
HOURS

Week 1	*	* A SPECIFIED AMOUNT OF TIME IS NOT SCHEDULED AS A BACKLOG OF USERS DO NOT EXIST AT THIS TIME. IF AND WHEN A BACKLOG OF USERS DO EXIST A SPECIFIED PERIOD OF TIME WOULD BE SET AND LIMITED TO FOUR (4) HOURS IN ACCORDANCE WITH POLICIES-PROCEDURES UNTIL THE BACKLOG OF USERS DID NOT EXIST.
Week 2	*	
Week 3	*	
Week 4	*	
Week 5	*	

MONTHLY AVERAGE *

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

"TIME
RECORDED IN
MINUTES"

AVERAGE HOURS

Week 1	1,615	MINUTES
Week 2	2,685	MINUTES
Week 3	1,960	MINUTES
Week 4	430	MINUTES
Week 5	605	MINUTES

MONTHLY AVERAGE 1,459

c. (CONTINUED ON NEXT PAGE)

	MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
1	1.0	1.0	1.0
2	1.0	1.0	1.0
3	1.0	1.0	1.0
4	1.0	1.0	1.0
5	1.0	1.0	1.0
6	1.0	1.0	1.0
7	1.0	1.0	1.0
8	1.0	1.0	1.0
9	1.0	1.0	1.0
10	1.0	1.0	1.0
11	1.0	1.0	1.0
12	1.0	1.0	1.0
13	1.0	1.0	1.0
14	1.0	1.0	1.0
15	1.0	1.0	1.0
16	1.0	1.0	1.0
17	1.0	1.0	1.0
18	1.0	1.0	1.0
19	1.0	1.0	1.0
20	1.0	1.0	1.0
21	1.0	1.0	1.0
22	1.0	1.0	1.0
23	1.0	1.0	1.0
24	1.0	1.0	1.0
25	1.0	1.0	1.0
26	1.0	1.0	1.0
27	1.0	1.0	1.0
28	1.0	1.0	1.0
29	1.0	1.0	1.0
30	1.0	1.0	1.0
31	1.0	1.0	1.0
32	1.0	1.0	1.0
33	1.0	1.0	1.0
34	1.0	1.0	1.0
35	1.0	1.0	1.0
36	1.0	1.0	1.0
37	1.0	1.0	1.0
38	1.0	1.0	1.0
39	1.0	1.0	1.0
40	1.0	1.0	1.0
41	1.0	1.0	1.0
42	1.0	1.0	1.0
43	1.0	1.0	1.0
44	1.0	1.0	1.0
45	1.0	1.0	1.0
46	1.0	1.0	1.0
47	1.0	1.0	1.0
48	1.0	1.0	1.0
49	1.0	1.0	1.0
50	1.0	1.0	1.0
51	1.0	1.0	1.0
52	1.0	1.0	1.0
53	1.0	1.0	1.0
54	1.0	1.0	1.0
55	1.0	1.0	1.0
56	1.0	1.0	1.0
57	1.0	1.0	1.0
58	1.0	1.0	1.0
59	1.0	1.0	1.0
60	1.0	1.0	1.0
61	1.0	1.0	1.0
62	1.0	1.0	1.0
63	1.0	1.0	1.0
64	1.0	1.0	1.0
65	1.0	1.0	1.0
66	1.0	1.0	1.0
67	1.0	1.0	1.0
68	1.0	1.0	1.0
69	1.0	1.0	1.0
70	1.0	1.0	1.0
71	1.0	1.0	1.0
72	1.0	1.0	1.0
73	1.0	1.0	1.0
74	1.0	1.0	1.0
75	1.0	1.0	1.0
76	1.0	1.0	1.0
77	1.0	1.0	1.0
78	1.0	1.0	1.0
79	1.0	1.0	1.0
80	1.0	1.0	1.0
81	1.0	1.0	1.0
82	1.0	1.0	1.0
83	1.0	1.0	1.0
84	1.0	1.0	1.0
85	1.0	1.0	1.0
86	1.0	1.0	1.0
87	1.0	1.0	1.0
88	1.0	1.0	1.0
89	1.0	1.0	1.0
90	1.0	1.0	1.0
91	1.0	1.0	1.0
92	1.0	1.0	1.0
93	1.0	1.0	1.0
94	1.0	1.0	1.0
95	1.0	1.0	1.0
96	1.0	1.0	1.0
97	1.		

YEARLY AVERAGE TO DATE 7,395
MINUTES

[illegible]

ALL "TIMES" ARE COUNTED IN "MINUTES."

(Signature and Title of Respondent)

EXHIBIT GGG

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) 3200-NCCCW—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS											
Week 1	<u>0</u>	January	<u>0</u>	July	<u>0</u>								
Week 2	<u>0</u>	February	<u>0</u>	August	<u>0</u>								
Week 3	<u>0</u>	March	<u>0</u>	September	<u>0</u>								
Week 4	<u>0</u>	April	<u>0</u>	October	<u>0</u>								
Week 5	<u>0</u>	May	<u>0</u>	November	<u>0</u>								
TOTAL	<u>0</u>	June	<u>0</u>	December	<u>0</u>								
		RUNNING TOTAL FOR PREVIOUS MONTHS											
		<u>0</u>											
Total for this month added to running total for previous months													
<u>0</u>													

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS											
Week 1	<u>0</u>	January	<u>0</u>	July	<u>0</u>								
Week 2	<u>0</u>	February	<u>0</u>	August	<u>0</u>								
Week 3	<u>0</u>	March	<u>0</u>	September	<u>0</u>								
Week 4	<u>0</u>	April	<u>0</u>	October	<u>0</u>								
Week 5	<u>0</u>	May	<u>0</u>	November	<u>0</u>								
TOTAL	<u>0</u>	June	<u>0</u>	December	<u>0</u>								
		RUNNING TOTAL FOR PREVIOUS MONTHS											
		<u>0</u>											
Total for this month added to running total for previous months													

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	<u>0</u>	January	<u>0</u>	July	<u>5</u>	
Week 2	<u>0</u>	February	<u>0</u>	August	<u>2</u>	
Week 3	<u>1</u>	March	<u>8</u>	September	<u>3</u>	
Week 4	<u>0</u>	April	<u>4</u>	October	<u>12</u>	
Week 5	<u>0</u>	May	<u>6</u>	November	<u>3</u>	
TOTAL	<u>1</u>	June	<u>2</u>	December	<u>45</u>	
		RUNNING TOTAL FOR PREVIOUS MONTHS				
		<u>46</u>				

Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January 18	July 22
Week 2	_____	February 19	August 22
Week 3	_____	March 22	September 9
Week 4	_____	April 8	October 36
Week 5	_____	May 20	November 13
		June 20	December 14
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
			209
			223

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January 0	July 0
Week 2	0	February 0	August 0
Week 3	0	March 0	September 0
Week 4	0	April 0	October 0
Week 5	0	May 0	November 0
		June 0	December 0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine items #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January 18	July 22
Week 2	_____	February 19	August 22
Week 3	_____	March 22	September 9
Week 4	_____	April 8	October 36
Week 5	_____	May 20	November 13
		June 20	December 14
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
			209
			223

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	0	0		1
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	0	0	0		0
Other	5	3	5	0		14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	32
Habeas Corpus	0
Civil Rights (§ 1983)	21
Other	170

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	5	5	4	0	0	14
Photo Copies Only	0	0	0	0	0	0
Forms Only	1	0	0	0	0	1

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	10
Category II	213
Photo Copies Only	6
Forms Only	9

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	3	4	2			9
Per Cent						30%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	81
Per Cent	38%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE SHORTEST PERIOD LONGEST PERIOD

Week 1	6	3	12
Week 2	7	5	11
Week 3	8	3	32
Week 4			
Week 5			

MONTHLY AVERAGE 12

b. Average for this month added to running total for previous months.

January	14	May	19	September	26
February	10	June	8	October	10
March	10	July	13	November	7
April	5	August	13	December	12

YEARLY AVERAGE TO DATE 12

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain	
Week 1	40		
Week 2	40		
Week 3	40		
Week 4			
Week 5			
WEEKLY AVERAGE 40		(Based on a five day week)	
		Christmas Holiday	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC From 223)

AVERAGE HOURS

Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	

MONTHLY AVERAGE 1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1
Week 2	1
Week 3	1
Week 4	1
Week 5	1

MONTHLY AVERAGE 1

c. (CONTINUED ON NEXT PAGE)

c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>1 hr.</u>	May	<u>1 hr.</u>	September	<u>1 hr.</u>
February	<u>1 hr.</u>	June	<u>1 hr.</u>	October	<u>1 hr.</u>
March	<u>1 hr.</u>	July	<u>1 hr.</u>	November	<u>1 hr.</u>
April	<u>1 hr.</u>	August	<u>1 hr.</u>	December	<u>1 hr.</u>

YEARLY AVERAGE TO DATE 1 hr.

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ DHARLENE F. MOORE LAW LIBRARIAN I

(Signature and Title of Respondent)

EXHIBIT HHH

CUMULATIVE LAW LIBRARY STATISTICS

Piedmont Correctional Center #3500—December, 1984

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1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	4
Week 2	6	February	5
Week 3	7	March	0
Week 4	1	April	5
Week 5	0	May	7
		June	17
TOTAL	15	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	13
		September	16
		October	10
		November	15
		December	15
			107
			122

- b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	7
Week 2	1	February	10
Week 3	5	March	0
Week 4	0	April	0
Week 5	0	May	5
		June	5
TOTAL	8	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	10
		August	6
		September	13
		October	11
		November	16
		December	8
			83
			91

- b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	10	January	23
Week 2	8	February	39
Week 3	8	March	8
Week 4	2	April	14
Week 5	0	May	11
		June	16
TOTAL	28	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	29
		August	33
		September	33
		October	44
		November	40
		December	28
			290
			318

- b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	20	January	93
Week 2	12	February	78
Week 3	13	March	61
Week 4	14	April	54
Week 5	0	May	51
TOTAL	59	June	64
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	77
		August	109
		September	111
		October	112
		November	95
		December	59
			905
			964

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	8	January	10
Week 2	7	February	14
Week 3	9	March	11
Week 4	0	April	10
Week 5	0	May	20
TOTAL	24	June	15
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	14
		August	23
		September	23
		October	28
		November	14
		December	24
			182
			206

b. Total for this month added to running total for previous months

6. a. Total of all Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	28	January	103
Week 2	19	February	92
Week 3	22	March	72
Week 4	14	April	64
Week 5	0	May	71
TOTAL	83	June	79
		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	91
		August	132
		September	134
		October	140
		November	109
		December	83
			1,087
			1,170

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	2	3	4	3	0	12
Habeas Corpus	0	4	4	0	0	8
Civil Rights (§ 1983)	3	5	4	3	0	8
Other	23	7	10	8	0	48

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	85
Habeas Corpus	52
Civil Rights (§ 1983)	232
Other	801

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	4	5	0	0	10
Category II	27	15	17	14	0	73
Photo Copies Only	2	1	0	1	0	4
Forms Only	6	4	4	1	0	15

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	28
Category II	1,142
Photo Copies Only	42
Forms Only	196

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	13	7	4	0	0	24
Per Cent	32%	27%	15%	0%	0%	14%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	305
Per Cent	23%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	14.5	0	60
Week 2	12.8	0	48
Week 3	8.8	0	42
Week 4	5.4	0	8
Week 5	0	0	0

MONTHLY AVERAGE 8.3

b. Average for this month added to running total for previous months.

January	8.0	May	19.9	September	11.0
February	9.7	June	13.2	October	12.2
March	9.7	July	12.1	November	10.0
April	11.5	August	11.0	December	8.3

YEARLY AVERAGE TO DATE 11.4

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain		
Week 1	40	1 Day Comp. Time	
Week 2	32		
Week 3	40		
Week 4	16	3 Days HOLIDAY	
Week 5	0	1 Day Week, 1 Day Inventory	

WEEKLY AVERAGE 26 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	3.1
Week 2	2.9
Week 3	2.9
Week 4	1.8
Week 5	0

MONTHLY AVERAGE 2.1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.6
Week 2	1.5
Week 3	1.4
Week 4	1.1
Week 5	0

MONTHLY AVERAGE 1.1

c. (CONTINUED ON NEXT PAGE)

12. c. Average duration of appointments for this month to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>1.3</u>	May	<u>1.5</u>	September	<u>1.3</u>
February	<u>1.5</u>	June	<u>1.4</u>	October	<u>1.4</u>
March	<u>1.0</u>	July	<u>1.4</u>	November	<u>1.5</u>
April	<u>1.1</u>	August	<u>1.4</u>	December	<u>1.1</u>

YEARLY AVERAGE TO DATE 1.3

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

83 inmates used the Law Library.
22 inmates had 142 Notary services.
28 inmates used the Photocopy service.

/S/ Keith Park, LAW LIBRARY SUPERVISOR
(Signature and Title of Respondent)

EXHIBIT III

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Eastern Correctional Center—December 31, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	27
Week 2	2	February	74
Week 3	4	March	32
Week 4	0	April	3
Week 5	0	May	11
		June	20
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	9
		August	7
		September	29
		October	6
		November	29
		December	13
			247
			257

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	31
Week 2	2	February	21
Week 3	4	March	16
Week 4	0	April	19
Week 5	0	May	14
		June	
TOTAL	7	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	48
		August	9
		September	47
		October	18
		November	21
		December	7
			282
			289

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	13
Week 2	1	February	40
Week 3	4	March	45
Week 4	0	April	23
Week 5	0	May	19
		June	12
TOTAL	7	RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	27
		August	8
		September	60
		October	21
		November	24
		December	7
			292
			299

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	19	January	90
Week 2	18	February	87
Week 3	17	March	68
Week 4	0	April	69
Week 5	0	May	61
		June	58
TOTAL		RUNNING TOTAL FOR PREVIOUS MONTHS	
			887
			941

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	1	March	0
Week 4	0	April	0
Week 5	0	May	1
		June	0
TOTAL	1	RUNNING TOTAL FOR PREVIOUS MONTHS	
			4
			5

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	19	January	90
Week 2	18	February	87
Week 3	18	March	68
Week 4	0	April	69
Week 5	0	May	62
		June	58
TOTAL	55	RUNNING TOTAL FOR PREVIOUS MONTHS	
			891
			946

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	2	4	0	0	7
Habeas Corpus	1	3	3	0	0	7
Civil Rights (§ 1983)	2	3	5	0	0	10
Other	5	5	11	0	0	21

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	126
Habeas Corpus	127
Civil Rights (§ 1983)	117
Other	414

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	4	4	8	0	0	16
Category II	15	14	10	0	0	39
Photo Copies Only	3	4	6	0	0	13
Forms Only	2	4	8	0	0	14

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	168
Category II	853
Photo Copies Only	85
Forms Only	131

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	0	0
Per Cent	0%	0%	0%	0%	0%	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	116
Per Cent	13%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3	1	5
Week 2	4	1	7
Week 3	5	1	10
Week 4	0	0	0
Week 5	0	0	0

MONTHLY AVERAGE 2

b. Average for this month added to running total for previous months.

January	6	May	8
February	6	June	10
March	5	July	8
April	9	August	7
September		September	8
October		October	8
November		November	4
December		December	2

YEARLY AVERAGE TO DATE 6

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	0	Holidays-Vacation
Week 5	0	Holidays-Vacation
WEEKLY AVERAGE 24 (Based on a five day week)		

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	2
Week 2	2
Week 3	2
Week 4	0
Week 5	0

MONTHLY AVERAGE 2

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	2:00
Week 2	2:00
Week 3	2:00
Week 4	0
Week 5	0

MONTHLY AVERAGE 2:00

c. (CONTINUED ON NEXT PAGE)

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1:01	May	1:29	September	1:27
February	1:31	June	1:29	October	1:25
March	1:18	July	1:24	November	1:34
April	1:28	August	1:52	December	2:00
YEARLY AVERAGE TO DATE 1:30					

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

Sorry report is late—been on vacation during holidays.

(Signature and Title of Respondent)

EXHIBIT JJJ

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Alamance 4410—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	9

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	0

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	1
		December	0
			1

WEEKLY TOTALS

b. Total for this month added to running total for previous months

WEEKLY TOTALS

b. Total for this month added to running total for previous months

WEEKLY TOTALS

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	—	—	—	—	—	—
Habeas Corpus	—	—	—	—	—	—
Civil Rights (§ 1983)	—	1	—	—	—	—
Other	1	—	—	—	—	—

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	—
Habeas Corpus	—
Civil Rights (§ 1983)	—
Other	—

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	—	—	—	—	—	—
Category II	1	1	—	—	—	2
Photo Copies Only	—	—	—	—	—	—
Forms Only	2	1	2	—	—	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	20
Category II	32
Photo Copies Only	—
Forms Only	18

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	_____	_____	_____	_____	_____	_____
Per Cent	_____	_____	_____	_____	_____	_____

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number _____
 Per Cent 0 _____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE SHORTEST PERIOD LONGEST PERIOD

Week 1	_____	_____	_____
Week 2	_____	_____	_____
Week 3	_____	_____	_____
Week 4	_____	_____	_____
Week 5	_____	_____	_____

MONTHLY AVERAGE _____

b. Average for this month added to running total for previous months.

January	_____	May	_____	September	_____
February	_____	June	_____	October	_____
March	_____	July	_____	November	_____
April	_____	August	_____	December	_____

YEARLY AVERAGE TO DATE _____

11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain
Week 1	_____
Week 2	_____
Week 3	_____
Week 4	_____
Week 5	_____
WEEKLY AVERAGE <u>40</u> (Based on a five day week)	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS
Week 1
Week 2
Week 3
Week 4
Week 5
MONTHLY AVERAGE _____

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS
Week 1
Week 2
Week 3
Week 4
Week 5
MONTHLY AVERAGE _____

c. (CONTINUED ON NEXT PAGE)

12.c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	_____	May	_____	September	_____
February	_____	June	_____	October	_____
March	_____	July	_____	November	_____
April	_____	August	_____	December	_____

YEARLY AVERAGE TO DATE _____

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Other Comments:

/S/ EARLENE H. TERRELL
 (Signature and Title of Respondent)

EXHIBIT KKK

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) CAMERON MORRISON YOUTH CENTER—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	0
Week 2	—	February	0
Week 3	—	March	0
Week 4	—	April	0
Week 5	—	May	0
TOTAL	—	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	—	January	0
Week 2	—	February	0
Week 3	—	March	1
Week 4	—	April	0
Week 5	—	May	0
TOTAL	—	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			1
			1

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	2	February	9
Week 3	0	March	8
Week 4	0	April	12
Week 5	0	May	11
TOTAL	2	June	8
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	7
		September	3
		October	4
		November	6
		December	2
			80
			82

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	5	February	9
Week 3	2	March	11
Week 4	0	April	19
Week 5	0	May	30
TOTAL	7	June	15
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	14
		September	4
		October	8
		November	15
		December	7
			148
			155

- b. Total for this month added to running total for previous months
5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	1	February	1
Week 3	0	March	0
Week 4	0	April	1
Week 5	0	May	0
TOTAL		June	1
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	7
		September	1
		October	1
		November	2
		December	1
			14
			15

- b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	8
Week 2	6	February	9
Week 3	2	March	11
Week 4	0	April	20
Week 5	0	May	30
TOTAL	8	June	16
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	15
		August	21
		September	5
		October	9
		November	17
		December	8
			161
			169

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	0	6	2	0	0	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	1
Civil Rights (§ 1983)	10
Other	158

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	0	6	2	0	0	8
Photo Copies Only	0	42	0	0	0	42
Forms Only	0	3	2	0	0	5

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	1
Category II	116
Photo Copies Only	82
Forms Only	74

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	2	3	0	0	5
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	11
Per Cent	

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>0</u>	<u>0</u>	<u>0</u>
Week 2	<u>13</u>	<u>6</u>	<u>19</u>
Week 3	<u>6</u>	<u>1</u>	<u>10</u>
Week 4	<u>0</u>	<u>0</u>	<u>0</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>
MONTHLY AVERAGE	<u>4</u>		

b. Average for this month added to running total for previous months.

January	<u>3</u>	May	<u>2</u>	September	<u>2.3</u>
February	<u>2.5</u>	June	<u>1.6</u>	October	<u>3</u>
March	<u>1</u>	July	<u>1.3</u>	November	<u>4</u>
April	<u>.9</u>	August	<u>2</u>	December	<u>4</u>

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YEARLY AVERAGE TO DATE 2.4

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain

HOURS

Week 1	<u>40</u>	
Week 2	<u>40</u>	
Week 3	<u>40</u>	
Week 4	<u>0</u>	CHRISTMAS VACATION
Week 5	<u>0</u>	CHRISTMAS VACATION

WEEKLY AVERAGE 32 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	<u>0</u>
Week 2	<u>22</u>
Week 3	<u>6</u>
Week 4	<u>0</u>
Week 5	<u>0</u>

MONTHLY AVERAGE 14

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	<u>0</u>
Week 2	<u>9</u>
Week 3	<u>4½</u>
Week 4	<u>0</u>
Week 5	<u>0</u>

MONTHLY AVERAGE 2.7

c. (CONTINUED ON NEXT PAGE)

12 c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>1.3</u>	May	<u>1.31</u>	September	<u>1.8</u>
February	<u>5.1</u>	June	<u>.96</u>	October	<u>1.4</u>
March	<u>3.5</u>	July	<u>1.31</u>	November	<u>2.1</u>
April	<u>5.17</u>	August	<u>1.2</u>	December	<u>2.7</u>

YEARLY AVERAGE TO DATE 2.3

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/

D. Williams, Librarian
(Signature and Title of Respondent)

EXHIBIT LLL

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Currituck 4120—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
		June	_____
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	2	January	22	July	13				
Week 2	2	February	19	August	24				
Week 3	2	March	22	September	13				
Week 4	0	April	14	October	10				
Week 5		May	14	November	13				
		June	19	December					
TOTAL	6	RUNNING TOTAL FOR PREVIOUS MONTHS			183				

b. Total for this month added to running total for previous months

189

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	2	January	27	July	22				
Week 2	5	February	20	August	12				
Week 3	4	March	14	September	14				
Week 4	4	April	24	October	21				
Week 5		May	20	November	19				
		June	20	December					
TOTAL	15	RUNNING TOTAL FOR PREVIOUS MONTHS			213				

b. Total for this month added to running total for previous months

228

6. a. Total of all Inmates using the Law Library. (Combine item #4 & #5 above).

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	4	January	49	July	35				
Week 2	7	February	39	August	36				
Week 3	6	March	36	September	27				
Week 4	4	April	38	October	31				
Week 5		May	34	November	32				
		June	39	December					
TOTAL	21	RUNNING TOTAL FOR PREVIOUS MONTHS			396				

b. Total for this month added to running total for previous months

417

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	0	0	0		0
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	0	0	0		0
Other	4	7	6	0		17

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	0
Habeas Corpus	0
Civil Rights (§ 1983)	0
Other	385

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0		0
Category II	4	7	6	4		21
Photo Copies Only	2	14	0	0		16
Forms Only	0	0	0	0		0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	15
Category II	370
Photo Copies Only	99
Forms Only	3

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0		0
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number _____
Per Cent _____

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	1	0	1
Week 2	1	0	5
Week 3	1	0	6
Week 4	1	0	13
Week 5			

MONTHLY AVERAGE 6

b. Average for this month added to running total for previous months.

January	11	May	15	September	7
February	25	June	14	October	9
March	24	July	7	November	8
April	12	August	9	December	

YEARLY AVERAGE TO DATE 133

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	16	
Week 5		
WEEKLY AVERAGE 40 (Based on a five day week)		Christmas holidays

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	6
Week 2	28
Week 3	16
Week 4	16
Week 5	
MONTHLY AVERAGE 66	

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	5½
Week 2	28
Week 3	14
Week 4	14
Week 5	
MONTHLY AVERAGE 61½	

c. (CONTINUED ON NEXT PAGE)

12.c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>112½</u>	May	<u>92½</u>	September	<u>69½</u>
February	<u>116½</u>	June	<u>113</u>	October	<u>97</u>
March	<u>107½</u>	July	<u>101</u>	November	
April	<u>123½</u>	August	<u>75½</u>	December	

YEARLY AVERAGE TO DATE 1,198½

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None			

14. Other Comments:

A new Law Library Clerk has been assigned
replacing Calvin Dillard. New inmate is Henry Little.

S. SUE ADKINS, STENO III

(Signature and Title of Respondent)

EXHIBIT MMM

CUMULATIVE LAW LIBRARY STATISTICS (UNIT)—#4145 Martin—June, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	4
Week 2	0	February	2
Week 3	0	March	3
Week 4	2	April	3
Week 5	0	May	4
TOTAL	2	June	2
Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	2
		September	4
		October	2
		November	4
		December	3
			35
			37

b. Total for this month added to running total for previous months

CUMULATIVE LAW LIBRARY STATISTICS

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	0	July	5	
Week 2	0	February	1	August	2	
Week 3	0	March	3	September	0	
Week 4	0	April	2	October	2	
Week 5	0	May	2	November	3	
		June	0	December	2	
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS				
					22	

- b. Total for this month added to running total for previous months

A-300

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	4	July	5	
Week 2	0	February	8	August	2	
Week 3	0	March	4	September	5	
Week 4	2	April	1	October	9	
Week 5	0	May	2	November	2	
		June	2	December	6	
TOTAL	2	RUNNING TOTAL FOR PREVIOUS MONTHS				
					48	

- b. Total for this month added to running total for previous months

50

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	6	July	10	
Week 2	0	February	9	August	4	
Week 3	0	March	7	September	5	
Week 4	2	April	3	October	11	
Week 5	0	May	4	November	5	
		June	2	December	8	
TOTAL	2	RUNNING TOTAL FOR PREVIOUS MONTHS				
					72	

- b. Total for this month added to running total for previous months

74

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Habeas Corpus	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Civil Rights (§1983)	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>1</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>11</u>
Habeas Corpus	<u>1</u>
Civil Rights (§1983)	<u>21</u>
Other	<u>37</u>

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>2</u>
Category II	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Photo Copies Only	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Forms Only	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>2</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>1</u>
Category II	<u>0</u>
Photo Copies Only	<u>0</u>
Forms Only	<u>32</u>

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Per Cent	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>5</u>
Per Cent	<u>2.7%</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1 <u>0</u>	<u>0</u>	<u>0</u>
Week 2 <u>0</u>	<u>0</u>	<u>0</u>
Week 3 <u>3 days</u>	<u>3 days</u>	<u>6 days</u>
Week 4 <u>7½ days</u>	<u>6 days</u>	<u>9 days</u>
Week 5 <u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 5¼ days

b. Average for this month added to running total for previous months

January	<u>8 days</u>	May	<u>12½ days</u>	September	<u>7 days</u>
February	<u>7 days</u>	June	<u>5.25 days</u>	October	<u>10 days</u>
March	<u>9.4 days</u>	July	<u>8.2 days</u>	November	<u>9.5 days</u>
April	<u>0 days</u>	August	<u>9.1 days</u>	December	<u>9.5 days</u>
Yearly Average to Date	<u>6.81 Days</u>				

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	_____	OPEN BY REQUEST ONLY
Week 2	_____	
Week 3	_____	
Week 4	_____	
Week 5	_____	
WEEKLY AVERAGE _____		(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1 _____ 0
 Week 2 _____ 0
 Week 3 _____ 0
 Week 4 _____ 0
 Week 5 _____ 0

MONTHLY AVERAGE _____ 0

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1 _____ 0
 Week 2 _____ 0
 Week 3 _____ 0
 Week 4 _____ 1 hr. 21 mins.
 Week 5 _____ 0

MONTHLY AVERAGE _____ 1 hr. 21 mins.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	<u>4 hrs. 5 mins.</u>	May	<u>3.2 hrs.</u>	September	<u>8 hrs.</u>
February	<u>3 hrs. 13 mins.</u>	June	<u>1 hr. 21 mins.</u>	October	<u>6 hrs. 12 mins.</u>
March	<u>2 hrs.</u>	July	<u>1 hr.</u>	November	<u>1 hrs. 31 mins.</u>
April	<u>30 mins.</u>	August	<u>1 hr. 25 mins.</u>	December	<u>5 hrs. 13 mins.</u>

YEARLY AVERAGE TO DATE 4 hrs. 30 mins.

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
NONE			

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT NNN

CUMULATIVE LAW LIBRARY STATISTICS

UNIT - Odom - #3310 - December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>11</u>	January	<u>9</u>
Week 2	<u>16</u>	February	<u>7</u>
Week 3	<u>22</u>	March	<u>3</u>
Week 4	<u>9</u>	April	<u>1</u>
Week 5	<u> </u>	May	<u>1</u>
TOTAL	<u>58</u>	June	<u>2</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>3</u>
		August	<u>0</u>
		September	<u>0</u>
		October	<u>0</u>
		November	<u>7</u>
		December	<u>58</u>
			<u>24</u>
			<u>82</u>

A-305

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>12</u>	January	<u>9</u>
Week 2	<u>21</u>	February	<u>16</u>
Week 3	<u>7</u>	March	<u>13</u>
Week 4	<u>8</u>	April	<u>16</u>
Week 5	<u> </u>	May	<u>14</u>
TOTAL	<u>48</u>	June	<u>15</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>3</u>
		August	<u>0</u>
		September	<u>0</u>
		October	<u>0</u>
		November	<u>6</u>
		December	<u>48</u>
			<u>102</u>
			<u>150</u>

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	<u>1</u>	January	<u>4</u>
Week 2	<u>0</u>	February	<u>26</u>
Week 3	<u>0</u>	March	<u>22</u>
Week 4	<u>2</u>	April	<u>6</u>
Week 5	<u> </u>	May	<u>5</u>
TOTAL	<u>3</u>	June	<u>13</u>
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	<u>0</u>
		August	<u>0</u>
		September	<u>0</u>
		October	<u>0</u>
		November	<u>7</u>
		December	<u>3</u>
			<u>9</u>

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	67	January	179	July	234				
Week 2	58	February	216	August	219				
Week 3	53	March	229	September	209				
Week 4	34	April	198	October	259				
Week 5		May	234	November	229				
		June	181	December	212				
TOTAL	212	RUNNING TOTAL FOR PREVIOUS MONTHS			2387				

- b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	0	January	0	July	0				
Week 2	0	February	0	August	0				
Week 3	0	March	0	September	0				
Week 4	0	April	0	October	0				
Week 5		May	0	November	0				
		June	0	December	0				
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS			0				

- b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and # 5 above).

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	67	January	179	July	234				
Week 2	58	February	216	August	219				
Week 3	53	March	229	September	208				
Week 4	34	April	198	October	259				
Week 5		May	234	November	239				
		June	181	December	212				
TOTAL	212	RUNNING TOTAL FOR PREVIOUS MONTHS			illegible				

- b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	23	26	8	8	0	66
Habeas Corpus	18	18	21	9	0	66
Civil Rights (§ 1983)	20	11	18	13	0	62
Other	6	3	5	4	0	18

b. Total for this month added to running totals for previous months.

TOTAL FOR YEAR

Criminal Appeal	427
Habeas Corpus	350
Civil Rights (§ 1983)	225
Other	1594

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	1	1	1	1	0	4
Category II	74	61	61	40	0	236
Photo Copies Only	5	4	4	3	0	16
Forms Only	5	6	6	1	0	18

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	88
Category II	2808
Photo Copies Only	241
Forms Only	204

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	8	4	4	7	0	29
Per Cent	10.61	6.4	14	17	0	69.6

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	302
Per Cent	139.1

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE **SHORTEST PERIOD** **LONGEST PERIOD**

Week 1	1	0	4
Week 2	1	0	4
Week 3	1	0	3
Week 4	1	0	5
Week 5			

MONTHLY AVERAGE 1

b. Average for this month added to running total for previous months.

January	.9
February	.9
March	.8
April	.7

May	1.0
June	.9
July	.9
August	.8

September	.8
October	.8
November	.9
December	1

YEARLY AVERAGE TO DATE .8

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain.

HOURS	
Week 1	40
Week 2	40
Week 3	40
Week 4	24
Week 5	
WEEKLY AVERAGE	26 (Based on a five day week)
Xmas Holidays	

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2:00
Week 2	2:00
Week 3	2:00
Week 4	2:00
Week 5	
MONTHLY AVERAGE	2:00

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1:59
Week 2	1:55
Week 3	1:53
Week 4	1:47
Week 5	
MONTHLY AVERAGE	1:44

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January 1:47	May 1:50	September 1:52
February 1:45	June 1:48	October 1:50
March 1:47	July 1:46	November 1:49
April 1:44	August 1:47	December 1:44

YEARLY AVERAGE TO DATE 1:46

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ LEROY DOYLAN

(Signature and Title of Respondent)

EXHIBIT 000

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Polk Youth Center—December 3, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	<u>0</u>	January	<u>0</u>	July	<u>0</u>	
Week 2	<u>0</u>	February	<u>0</u>	August	<u>0</u>	
Week 3	<u>0</u>	March	<u>0</u>	September	<u>0</u>	
Week 4	<u>0</u>	April	<u>0</u>	October	<u>0</u>	
Week 5	<u>0</u>	May	<u>0</u>	November	<u>0</u>	
TOTAL	<u>0</u>	June	<u>0</u>	December	<u>0</u>	
		RUNNING TOTAL FOR PREVIOUS MONTHS				
Total for this month added to running total for previous months		0				

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	0	January	0	July	0	
Week 2	0	February	0	August	0	
Week 3	0	March	0	September	0	
Week 4	0	April	0	October	0	
Week 5	0	May	0	November	0	
TOTAL	0	June	0	December	0	
		RUNNING TOTAL FOR PREVIOUS MONTHS				
Total for this month added to running total for previous months		0				

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS				
Week 1	<u>0</u>	January	<u>2</u>	July	<u>1</u>	
Week 2	<u>3</u>	February	<u>0</u>	August	<u>1</u>	
Week 3	<u>3</u>	March	<u>3</u>	September	<u>3</u>	
Week 4	<u>0</u>	April	<u>1</u>	October	<u>3</u>	
Week 5	<u>1</u>	May	<u>2</u>	November	<u>7</u>	
TOTAL	<u>7</u>	June	<u>0</u>	December	<u>16</u>	
		RUNNING TOTAL FOR PREVIOUS MONTHS				
Total for this month added to running total for previous months		23				

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	11
Week 2	3	February	10
Week 3	3	March	11
Week 4	2	April	10
Week 5	2	May	7
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			93
			103

b. Total for this month added to running total for previous months

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0
			0

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library. (Combine items #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	11
Week 2	3	February	10
Week 3	3	March	11
Week 4	2	April	10
Week 5	2	May	7
		June	12
TOTAL	10	RUNNING TOTAL FOR PREVIOUS MONTHS	
			93
			103

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	3	3	0	1	7
Habeas Corpus	0	0	0	0	0	0
Civil Rights (§ 1983)	0	0	0	2	1	3
Other	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	44
Habeas Corpus	0
Civil Rights (§ 1983)	36
Other	18

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	0	3	3	2	2	10
Photo Copies Only	0	0	0	0	0	0
Forms Only	0	0	0	0	0	0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	0
Category II	82
Photo Copies Only	0
Forms Only	19

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Per Cent	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	<u>0</u>
Per Cent	<u>0</u>

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	<u>0</u>	<u>0</u>	<u>0</u>
Week 2	<u>0</u>	<u>0</u>	<u>0</u>
Week 3	<u>0</u>	<u>0</u>	<u>0</u>
Week 4	<u>0</u>	<u>0</u>	<u>0</u>
Week 5	<u>0</u>	<u>0</u>	<u>0</u>

MONTHLY AVERAGE 0

b. Average for this month added to running total for previous months

January	<u>0</u>	May	<u>0</u>	September	<u>.8</u>
February	<u>0</u>	June	<u>0</u>	October	<u>.8</u>
March	<u>0</u>	July	<u>0</u>	November	<u>.8</u>
April	<u>0</u>	August	<u>0</u>	December	<u>0</u>

Yearly Average to Date .072

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE		40 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	0
Week 2	40
Week 3	50
Week 4	60
Week 5	45
MONTHLY AVERAGE	
	39

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	0
Week 2	40
Week 3	50
Week 4	60
Week 5	45
MONTHLY AVERAGE	39

CONTINUED ON NEXT PAGE

CONTINUED ON NEXT PAGE

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
		Reported in minutes			
January	39	May	40	September	53
February	52	June	38	October	20
March	29	July	27	November	39
April	46	August	30	December	

YEARLY AVERAGE TO DATE 38

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VOLUME
There was no damage to Law			
Library materials in the			
month of November			

14. Other Comments:

/S/ MAURICE BAKER LIBRARIAN

(Signature and Title of Respondent)

EXHIBIT PPP

CUMULATIVE LAW LIBRARY STATISTICS

(UNIT) ROBERSON 4340, November 24, 1984-DECEMBER 24, 1984

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1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS	N/A	MONTHLY TOTALS	N/A
Week 1	_____	January	_____
Week 2	_____	February	_____
Week 3	_____	March	_____
Week 4	_____	April	_____
Week 5	_____	May	_____
TOTAL	_____	June	_____
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	_____
		August	_____
		September	_____
		October	_____
		November	_____
		December	_____

4. a. Total Inmates assigned to this unit using the Law Library

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	16
Week 2	1	February	19
Week 3	1	March	16
Week 4	2	April	17
Week 5		May	18
TOTAL	4	June	19
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	18
		August	6
		September	7
		October	5
		November	2
		December	4
			583
			587

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	7
Week 2	0	February	6
Week 3	2	March	7
Week 4	0	April	6
Week 5		May	8
TOTAL	4	June	6
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	10
		August	3
		September	3
		October	10
		November	4
		December	4
			225
			229

3. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above)

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	2	January	16
Week 2	1	February	19
Week 3	3	March	16
Week 4	2	April	17
Week 5		May	18
TOTAL	8	June	19
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	18
		August	6
		September	7
		October	15
		November	6
		December	8
			674
			682

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>		<u>8</u>

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	<u>1</u>
Habeas Corpus	<u>4</u>
Civil Rights (§ 1983)	<u>92</u>
Other	

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	<u>2</u>	<u>1</u>	<u>3</u>	<u>2</u>		<u>8</u>
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	<u>3</u>
Category II	<u>111</u>
Photo Copies Only	<u>1</u>
Forms Only	

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11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	40	
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	8
Week 2	8
Week 3	8
Week 4	8
Week 5	

MONTHLY AVERAGE 8

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	4
Week 2	3
Week 3	6
Week 4	5
Week 5	

MONTHLY AVERAGE 4.3

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
Reported in minutes		Reported in minutes		Reported in minutes	
January	12.1	May	12.5	September	2.3
February	11.9	June	17.3	October	2.5
March	12.6	July	9.5	November	1.2
April	16.3	August	4.8	December	4.3

YEARLY AVERAGE TO DATE	8.9
------------------------	-----

13. Damage Report.

[illegible]

14. Other Comments:

S JOE JACOBS LAW LIBRARY CUSTODIAN

(Signature and Title of Respondent)

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						
Per Cent						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 0
Per Cent

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE

Week 1	30.5
Week 2	3
Week 3	15
Week 4	1
Week 5	

MONTHLY AVERAGE 12.3

b. Average for this month added to running total for previous months

January	3.2
February	4.0
March	9.3
April	7.3

Yearly Average to Date 6.9

May	12.3
June	4.5
July	7.1
August	7.8

September	5.4
October	7.6
November	3.0
December	12.3

SHORTEST PERIOD

25
3
4
0

LONGEST PERIOD

36
3
21
2

EXHIBIT QQQ

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) WARREN CO., Dec., 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1 _____
 Week 2 _____
 Week 3 _____
 Week 4 _____
 Week 5 _____

TOTAL _____

MONTHLY TOTALS

January _____
 February _____
 March _____
 April _____
 May _____
 June _____
 July _____
 August _____
 September _____
 October _____
 November _____
 December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1 _____
 Week 2 _____
 Week 3 _____
 Week 4 _____
 Week 5 _____

TOTAL _____

MONTHLY TOTALS

January _____
 February _____
 March _____
 April _____
 May _____
 June _____
 July _____
 August _____
 September _____
 October _____
 November _____
 December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1 0
 Week 2 3
 Week 3 3
 Week 4 1
 Week 5 1

TOTAL 8

MONTHLY TOTALS

January 2
 February 3
 March 2
 April 4
 May 2
 June 0
 July _____
 August _____
 September _____
 October _____
 November _____
 December _____

RUNNING TOTAL FOR PREVIOUS MONTHS _____

- b. Total for this month added to running total for previous months _____

0
7
18
12
8
8
58
66

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	3	February	14
Week 3	3	March	9
Week 4	1	April	7
Week 5	1	May	8
		June	9
TOTAL	8	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	9
		August	10
		September	15
		October	23
		November	8
		December	8
			117
			125

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	2
Week 2	0	February	0
Week 3	0	March	2
Week 4	0	April	0
Week 5	0	May	2
		June	0
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	0
		August	2
		September	2
		October	1
		November	0
		December	0
			11
			11

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	3	February	19
Week 3	3	March	9
Week 4	1	April	7
Week 5	1	May	8
		June	9
TOTAL	8	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months		July	9
		August	10
		September	15
		October	23
		November	8
		December	8
			128
			136

Page 3

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus						
Civil Rights (§ 1983)						
Other	0	3	3	1	1	8

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	
Habeas Corpus	
Civil Rights (§ 1983)	
Other	128

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	0	3	3	1	1	8
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	16
Category II	127
Photo Copies Only	8
Forms Only	6

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	—	—	—	—	—	—
Per Cent	—	—	—	—	—	—

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number —
Per Cent —

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	—	—	—
Week 2	0	—	—
Week 3	1	—	—
Week 4	3	—	—
Week 5	1	—	—
	MONTHLY AVERAGE .80		

b. Average for this month added to running total for previous months.

January	4.1	May	4.3	September	2.1
February	3.5	June	1.7	October	1
March	2.8	July	3.3	November	2
April	4.3	August	4.8	December	.8
YEARLY AVERAGE TO DATE	2.6				

11. Total hours per week the Law Library was open at this unit.

If open for less than 40 hrs/week, please explain.

HOURS	
Week 1	40
Week 2	40
Week 3	40
Week 4	40
Week 5	40
WEEKLY AVERAGE	40 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1	0
Week 2	2
Week 3	3
Week 4	2
Week 5	3

MONTHLY AVERAGE 2.2

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	0
Week 2	3.3
Week 3	1.1
Week 4	1
Week 5	1.5

MONTHLY AVERAGE 1.3

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	3.3	May	5.5	September	2.9
February	2.2	June	1.8	October	2.9
March	2.6	July	2.4	November	1.8
April	2.1	August	4.2	December	1.3
YEARLY AVERAGE TO DATE		2.7			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ C. Clarey
(Signature and Title of Respondent)

EXHIBIT RRR

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) Wataga.—December, 1984

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	0
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	0
		August	0
		September	0
		October	0
		November	0
		December	0
			0

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	2
Week 2	2	February	0
Week 3	2	March	0
Week 4	1	April	0
Week 5	0	May	4
TOTAL	6	June	3
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	4
		August	4
		September	1
		October	5
		November	4
		December	6
			28
			34

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	4
Week 2	2	February	5
Week 3	2	March	12
Week 4	1	April	15
Week 5	0	May	14
TOTAL	6	June	8
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	9
		August	8
		September	4
		October	7
		November	3
		December	6
			89
			95

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	1
Week 2	0	February	2
Week 3	0	March	0
Week 4	0	April	2
Week 5	0	May	0
TOTAL	0	June	0
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	1
		August	0
		September	0
		October	1
		November	1
		December	0
			8

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	1	January	5
Week 2	2	February	7
Week 3	2	March	12
Week 4	1	April	17
Week 5	0	May	14
TOTAL	6	June	8
b. Total for this month added to running total for previous months		RUNNING TOTAL FOR PREVIOUS MONTHS	
		July	10
		August	8
		September	4
		October	8
		November	4
		December	6
			97
			103

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus	1					1
Civil Rights (§ 1983)			1			1
Other		2	1	7		4

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	1
Habeas Corpus	9
Civil Rights (§ 1983)	18
Other	73

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II	1	2	2	1		6
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	5
Category II	92
Photo Copies Only	
Forms Only	16

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						0
Per Cent						0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	1
Per Cent	.15

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	3	3
Week 2	2	2
Week 3	2	2
Week 4	3	3
Week 5		
	MONTHLY AVERAGE	2.5

b. Average for this month added to running total for previous months.

January	1	May	4	September	2.3
February	2	June	2	October	2.3
March	2	July	1	November	2.3
April	2	August	1.2	December	2.5
YEARLY AVERAGE TO DATE	2.05				

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11. Total hours per week the Law Library was open at this unit.

HOURS	If open for less than 40 hrs/week, please explain.
Week 1 15	Law Clerk works mornings in kitchen.
Week 2 9	
Week 3 9	
Week 4 15	
Week 5	
WEEKLY AVERAGE 12	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS

Week 1 .5
 Week 2 1
 Week 3 1
 Week 4 1.5
 Week 5

MONTHLY AVERAGE 1

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1 .5
 Week 2 1
 Week 3 1
 Week 4 1.5
 Week 5

MONTHLY AVERAGE 1

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	1	May	1	September	1.5
February	1	June	1	October	1
March	1	July	1	November	1
April	1	August	1	December	1
YEARLY AVERAGE TO DATE					

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

/S/ Donall Money - Law Clerk

(Signature and Title of Respondent)

EXHIBIT SSS

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) WCC—#3905—December, 1984

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1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	_____	June	_____	December	_____	_____	_____	_____	_____
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	_____	June	_____	December	_____	_____	_____	_____	_____
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS					MONTHLY TOTALS				
Week 1	_____	January	_____	July	_____	_____	_____	_____	_____
Week 2	_____	February	_____	August	_____	_____	_____	_____	_____
Week 3	_____	March	_____	September	_____	_____	_____	_____	_____
Week 4	_____	April	_____	October	_____	_____	_____	_____	_____
Week 5	_____	May	_____	November	_____	_____	_____	_____	_____
TOTAL	_____	June	_____	December	_____	_____	_____	_____	_____
b. Total for this month added to running total for previous months					RUNNING TOTAL FOR PREVIOUS MONTHS				

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	July
Week 2	2	February	August
Week 3	1	March	September
Week 4	0	April	October
Week 5	0	May	November
		June	December
TOTAL		RUNNING TOTAL FOR PREVIOUS MONTHS	
3			
Total for this month added to running total for previous months			
		37	
		40	

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal						
Habeas Corpus		2	1			3
Civil Rights (§ 1983)						
Other						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal
 Habeas Corpus
 Civil Rights (§ 1983)
 Other

3

 37

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I						
Category II		2	1			3
Photo Copies Only						
Forms Only						

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I
 Category II
 Photo Copies Only
 Forms Only

9
 21

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number						
Per Cent						0
						0

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	6
Per Cent	16

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1			
Week 2	2.5	2 days	1.5 days
Week 3	3 days	3 days	
Week 4			
Week 5			

MONTHLY AVERAGE 3 days

b. Average for this month added to running total for previous months.

January	5.5	May	2.1	September	5
February	2.3	June	1.1	October	2.5
March	1.1	July	1.2	November	0
April	1.2	August	1.2	December	3

Yearly Average to Date

Page 5

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	32	Workday
Week 2	40	
Week 3	24	Christmas Activities
Week 4	0	Closed
Week 5	0	1 day closed
WEEKLY AVERAGE		20.4 (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	
Week 2	1½
Week 3	1½
Week 4	
Week 5	
MONTHLY AVERAGE	

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	
Week 2	20 min.
Week 3	45 min.
Week 4	
Week 5	
MONTHLY AVERAGE	32.5 min.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	17.5	May		September	25.7
February	29.8	June		October	31.2
March	41.2	July	21.2	November	0
April	25	August	20	December	20.4

YEARLY AVERAGE TO DATE 25.2

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None			

14. Other Comments:

None

/S/ Illegible, Librarian

(Signature and Title of Respondent)

EXHIBIT TTT

CUMULATIVE LAW LIBRARY STATISTICS (UNIT) 3940 Blanch—April, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	6	January	24
Week 2	9	February	28
Week 3	8	March	20
Week 4	8	April	31
Week 5		May	
		June	
TOTAL	31	RUNNING TOTAL FOR PREVIOUS MONTHS	
			72
			103

b. Total for this month added to running total for previous months

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	3	January	13
Week 2	7	February	16
Week 3	4	March	12
Week 4	5	April	19
Week 5		May	
		June	
TOTAL	19	RUNNING TOTAL FOR PREVIOUS MONTHS	
			41
			60

b. Total for this month added to running total for previous months

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	9	January	32
Week 2	8	February	33
Week 3	9	March	28
Week 4	10	April	36
Week 5		May	
		June	
TOTAL	36	RUNNING TOTAL FOR PREVIOUS MONTHS	
			83
			121

b. Total for this month added to running total for previous months

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	14
Week 2	3	February	10
Week 3	1	March	5
Week 4	6	April	14
Week 5		May	
		June	
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			29
			43

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5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	5
Week 2	4	February	14
Week 3	5	March	10
Week 4	5	April	14
Week 5		May	
		June	
TOTAL	14	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			29
			43

6. a. Total of ALL Inmates using the Law Library. (Combine item #4 and #5 above).

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	4	January	19
Week 2	7	February	24
Week 3	6	March	15
Week 4	11	April	28
Week 5		May	
		June	
TOTAL	28	RUNNING TOTAL FOR PREVIOUS MONTHS	
b. Total for this month added to running total for previous months			58
			86

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	0	1	1	1		3
Habeas Corpus	0	0	0	0		0
Civil Rights (§ 1983)	0	2	0	1		3
Other	4	4	5	9		22

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	8
Habeas Corpus	1
Civil Rights (§ 1983)	17
Other	60

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	2	1	0		3
Category II	4	5	5	11		25
Photo Copies Only	N/A	N/A	N/A	N/A	N/A	N/A
Forms Only	N/A	N/A	N/A	N/A	N/A	N/A

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	7
Category II	79
Photo Copies Only	2
Forms Only	4

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	0	0	0	0	N/A	0
Per Cent	N/A	N/A	N/A	N/A	N/A	0%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number	13
Per Cent	1.2

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

	AVERAGE	SHORTEST PERIOD	LONGEST PERIOD
Week 1	2.5	1	4
Week 2	7	2	15
Week 3	6.7	0	14
Week 4	5	0	9
Week 5	N/A	N/A	N/A

MONTHLY AVERAGE 5.3

b. Average for this month added to running total for previous months.

January	4.8	May	September
February	10.4	June	October
March	5.6	July	November
April	5.3	August	December
Yearly Average to Date	6.5		

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40	
Week 2	40	
Week 3	40	
Week 4	40	
Week 5	N/A	
WEEKLY AVERAGE	40	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	1.5
Week 2	4.5
Week 3	6.5
Week 4	4.9
Week 5	N/A
MONTHLY AVERAGE	4.4

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1.5
Week 2	4.5
Week 3	5.3
Week 4	4.8
Week 5	N/A
MONTHLY AVERAGE	4.0

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE		MONTHLY AVERAGE	
January	2.4	May		September	
February	7.7	June		October	
March	11.7	July		November	
April	4.0	August		December	
YEARLY AVERAGE TO DATE		6.5			

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE

14. Other Comments:

(Signature and Title of Respondent)

EXHIBIT UUU

Caledonia Correctional Institute Law Library Statistics
Month of April, 1985 Date of Report—May 1, 1985

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	8
Week 2	16
Week 3	20
Week 4	12
Week 5	2

TOTAL 58

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	40
February	50
March	51
April	58
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

199

1,932

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	13
Week 2	4
Week 3	14
Week 4	11
Week 5	1

TOTAL 43

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	76
February	51
March	72
April	43
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

242

4,383

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	8
Week 2	5
Week 3	9
Week 4	20
Week 5	5

TOTAL 47

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	50
February	56
March	56
April	
May	
June	
July	
August	
September	
October	
November	
December	

RUNNING TOTAL FOR PREVIOUS MONTHS

209

6,629

4. a. Total Inmates Assigned to Caledonia using the Law Library.

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	28		January	130	July
Week 2	33		February	94	August
Week 3	25		March	81	September
Week 4	30		April	128	October
Week 5	12		May		November
			June		December
Totals:	128		Running Totals for this Year:		433
			Running Totals for All Months:		9,474

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5. a. Total Inmates transferred in from other units to use the Law Library.

Week 1	1	Odom	— 1	January	13	July
Week 2	2	Odom	— 2	February	25	August
Week 3	6	Odom	— 4	March	23	September
		Halifax	— 2	April	17	October
Week 4	6	Odom	— 6	May		November
Week 5	2	Odom	— 2	June		December
All totals:	17	Odom	— 15	Running Totals for this Year:		78
		Halifax	— 2	Running Totals for All Months:		1,270
		(All Months)	608			55
			43			3
			475			14
			144			6

6. a. Total of ALL Inmates using the Law Library at Caledonia

WEEKLY TOTALS			MONTHLY TOTALS		
Week 1	29		January	143	July
Week 2	35		February	119	August
Week 3	31		March	104	September
Week 4	36		April	145	October
Week 5	14		May		November
			June		December
Totals:	145		Running Totals for this Year:		511
			Running Totals for All Months:		10,746

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	2	4	3	2	2	13
Habeas Corpus	0	0	0	0	2	2
Civil Rights (§ 1983)	1	1	3	4	0	9
Other	2	8	4	4	0	18

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS:
Criminal Appeal	42	2,215
Habeas Corpus	7	280
Civil Rights (§ 1983)	23	599
Other	80	2,855

8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	4	2	8	4	0	18
Category II	25	33	23	32	14	127
Photo Copies Only	8	3	11	6	5	33

b. Total for this month added to running total for previous months.

	TOTAL FOR YEAR	CUMULATIVE TOTALS:
Category I	61	1,272
Category II	450	9,474
Photo Copies Only	115	2,598

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	2	1	5	5	2	15
Per Cent	6%	2%	13%	12%	12%	9%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR CUMULATIVE TOTALS:

Number	53	1,482
Per Cent	9%	12%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

AVERAGE		SHORTEST PERIOD	LONGEST PERIOD
Week 1	5 Days	1 Day	21 Days
Week 2	4 Days	1 Day	14 Days
Week 3	5 Days	1 Day	27 Days
Week 4	6 Days	1 Day	31 Days
Week 5	6 Days	3 Days	19 Days
MONTHLY AVERAGE		5 Days	

b. Average for this month added to running total for previous months.

January	4 Days	May	September
February	6 Days	June	October
March	6 Days	July	November
April	5 Days	August	December
Yearly Average to Date		5 Days	

11. Total hours per week the Law Library was open at this unit.

HOURS		If open for less than 40 hrs/week, please explain.
Week 1	40 Hours	
Week 2	32 Hours	
Week 3	38 Hours	Closed 1 Day—Holiday
Week 4	40 Hours	Closed 2 Hours—Second shift failed to open for scheduled appointment
Week 5	16 Hours	The Month ended on a Tuesday
WEEKLY AVERAGE	38 Hours	(Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

AVERAGE HOURS	
Week 1	2 Hours 10 Minutes
Week 2	2 Hours 5 Minutes
Week 3	2 Hours 45 Minutes
Week 4	2 Hours 20 Minutes
Week 5	2 Hours 15 Minutes

MONTHLY AVERAGE *2 Hours 20 Minutes (*Based on the 4-5 Day weeks.)

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS	
Week 1	1 Hour 35 Minutes
Week 2	1 Hour 40 Minutes
Week 3	2 Hours 15 Minutes
Week 4	1 Hour 40 Minutes
Week 5	1 Hour 45 Minutes

MONTHLY AVERAGE 1 Hour 45 Minutes* (*Based on the 4 -five day weeks)

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE		MONTHLY AVERAGE	MONTHLY AVERAGE
January	1 Hour 35 Min.	May	September
February	1 Hour 50 Min.	June	October
March	2 Hours 10 Min.	July	November
April	1 Hour 45 Min.	August	December

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YEARLY AVERAGE TO DATE 1 Hour 50 Minutes

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
None this Month:			

14. Other Comments:

/s/ Daniel S. Durham

 (Signature and Title of Respondent)
 Daniel G Durham Law Library Supervisor

EXHIBIT VVV

CUMULATIVE LAW LIBRARY STATISTICS Full (UNIT) CENTRAL PRISON #3100—MAY, 1985 MAIN LAW LIBRARY

1. a. Title 1—Federal Reporter and Federal Supplement uses.

WEEKLY TOTALS

Week 1	14
Week 2	65
Week 3	74
Week 4	85
Week 5	82

TOTAL 320

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	254	July	
February	300	August	
March	240	September	
April	323	October	
May	320	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

1,117

1,437

2. a. Title 2—North Carolina Reporter & North Carolina Court of Appeals uses.

WEEKLY TOTALS

Week 1	12
Week 2	52
Week 3	58
Week 4	71
Week 5	65

TOTAL 258

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	212	July	
February	241	August	
March	196	September	
April	248	October	
May	258	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

897

1,155

3. a. Title 3—North Carolina General Statutes & United States Code Annotated uses.

WEEKLY TOTALS

Week 1	14
Week 2	68
Week 3	72
Week 4	77
Week 5	78

TOTAL 309

b. Total for this month added to running total for previous months

MONTHLY TOTALS

January	244	July	
February	278	August	
March	234	September	
April	308	October	
May	309	November	
June		December	

RUNNING TOTAL FOR PREVIOUS MONTHS

1,064

1,373

4. a. Total Inmates assigned to this unit using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	9	January	172
Week 2	46	February	193
Week 3	46	March	147
Week 4	61	April	210
Week 5	61	May	223
		June	
TOTAL	223	RUNNING TOTAL FOR PREVIOUS MONTHS	
			722
			945

b. Total for this month added to running total for previous months

5. a. Total Inmates transferred in from other units to use the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	0	January	0
Week 2	0	February	0
Week 3	0	March	0
Week 4	0	April	0
Week 5	0	May	
		June	
TOTAL	0	RUNNING TOTAL FOR PREVIOUS MONTHS	
			0
			0

b. Total for this month added to running total for previous months

6. a. Total of ALL Inmates using the Law Library.

WEEKLY TOTALS		MONTHLY TOTALS	
Week 1	9	January	172
Week 2	46	February	193
Week 3	46	March	147
Week 4	61	April	210
Week 5	61	May	223
		June	
TOTAL	223	RUNNING TOTAL FOR PREVIOUS MONTHS	
			722
			945

b. Total for this month added to running total for previous months

7. a. Type of Research or reason for all inmates using the Law Library.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Criminal Appeal	1	6	7	6	8	28
Habeas Corpus	3	16	19	25	23	86
Civil Rights (§ 1983)	1	5	7	7	5	25
Other	2	8	7	8	8	33

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Criminal Appeal	145
Habeas Corpus	352
Civil Rights (§ 1983)	95
Other	116

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8. a. Request for Law Library use by Category.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Category I	0	0	0	0	0	0
Category II	9	46	46	61	61	223
Photo Copies Only	2	7	10	17	13	49
Forms Only	8	32	40	55	57	192

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Category I	7
Category II	938
Photo Copies Only	201
Forms Only	799

9. a. Number and per cent of inmates who failed to appear.

	Week 1	Week 2	Week 3	Week 4	Week 5	TOTAL
Number	2	11	6	15	17	51
Per Cent	22%	24%	13%	25%	28%	23%

b. Total for this month added to running total for previous months.

TOTAL FOR YEAR

Number 237
Per Cent 25%

10. a. Time lapse before use of the Law Library after DC Form 223 has been filed.

LONGEST PERIOD

SHORTEST PERIOD

AVERAGE

Week 1	1.0 Days	1	1
Week 2	2.3 Days	1	6
Week 3	2.0 Days	1	5
Week 4	2.2 Days	1	7
Week 5	1.9 Days	1	5

MONTHLY AVERAGE 1.9

b. Average for this month added to running total for previous months.

January	4.5 Days	May	1.9	September
February	3.9 Days	June		October
March	4.1 Days	July		November
April	3.5 Days	August		December

Yearly Average to Date 3.6

11. Total hours per week the Law Library was open at this unit.

HOURS

If open for less than 40 hrs/week, please explain.

Week 1	40 Hrs.
Week 2	40 Hrs.
Week 3	40 Hrs.
Week 4	40 Hrs.
Week 5	40 Hrs.
WEEKLY AVERAGE	40 Hrs. (Based on a five day week)

12. a. Duration of appointments as scheduled. (Weekly average of inmate's Estimated Time Needed in Item #2, DC Form 223)

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AVERAGE HOURS

Week 1	1.5 Hrs.
Week 2	1.5 Hrs.
Week 3	1.5 Hrs.
Week 4	1.5 Hrs.
Week 5	1.5 Hrs.

MONTHLY AVERAGE 1.5 Hrs.

b. Actual duration of appointments. (Weekly average of inmate's actual time spent in the Law Library)

AVERAGE HOURS

Week 1	1.33 Hrs.
Week 2	1.16 Hrs.
Week 3	1.30 Hrs.
Week 4	1.32 Hrs.
Week 5	1.24 Hrs.

MONTHLY AVERAGE 1.27 Hrs.

c. (CONTINUED ON NEXT PAGE)

12. c. Actual duration of appointments for this month added to averages for previous months.

MONTHLY AVERAGE	MONTHLY AVERAGE	MONTHLY AVERAGE
January <u>1.34 Hrs.</u>	May <u>1.27 Hrs.</u>	September _____
February <u>1.35 Hrs.</u>	June _____	October _____
March <u>1.39 Hrs.</u>	July _____	November _____
April <u>1.29 Hrs.</u>	August _____	December _____
YEARLY AVERAGE TO DATE <u>1.33 Hrs.</u>		

13. Damage Report.

TITLE	DATE FOUND	INMATE INVOLVED	VALUE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

14. Other Comments:

(Signature and Title of Respondent)